

1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Purpose.

5 (1) The General Assembly finds and declares that:

6 (i) Sections 5 and 15 of Public Act 90-456,
7 approved August 17, 1997, amended the Emergency Telephone
8 System Act and the Criminal Code of 1961 with respect to
9 the crime of disorderly conduct. Public Act 90-456 also
10 contained other provisions.

11 (ii) On September 20, 2001, the Illinois Supreme
12 Court, in *People v. Sypien*, Docket No. 89265, ruled that
13 Public Act 90-456 violates the single-subject clause of
14 the Illinois Constitution (Article IV, Section 8 (d)) and
15 was unconstitutional in its entirety.

16 (iii) The issues addressed by the amendatory
17 changes to the Emergency Telephone System Act and the
18 Criminal Code of 1961 made by Public Act 90-456 are of
19 vital concern to the people of this State.

20 (2) It is the purpose of this Act to re-enact the
21 amendatory changes to the Emergency Telephone System Act and
22 the Criminal Code of 1961 made by Public Act 90-456, and to
23 make other changes in the Criminal Code of 1961. The material
24 originally contained in Public Act 90-456 is shown as
25 existing text (i.e., without underscoring).

26 Section 5. The Emergency Telephone System Act is amended
27 by re-enacting Section 15.2 as follows:

28 (50 ILCS 750/15.2) (from Ch. 134, par. 45.2)

29 Sec. 15.2. Any person calling the number "911" for the
30 purpose of making a false alarm or complaint and reporting

1 false information is subject to the provisions of Section
 2 26-1 of the Criminal Code of 1961.
 3 (Source: P.A. 90-456, eff. 1-1-98.)

4 Section 10. The Criminal Code of 1961 is amended by
 5 re-enacting and changing Section 26-1 as follows:

6 (720 ILCS 5/26-1) (from Ch. 38, par. 26-1)
 7 (This Section contains provisions from P.A. 90-456, which
 8 has been held unconstitutional)
 9 Sec. 26-1. Elements of the Offense.

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

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

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

21 (3) (Blank); or Transmits---or---causes--to--be
 22 transmitted-in-any-manner-to-another-a-false-alarm-to-the
 23 effect-that-a-bomb-or-other-explosive-of-any-nature-or--a
 24 container--holding--poison--gas,--a--deadly-biological-or
 25 chemical--contaminant,--or---radioactive---substance---is
 26 concealed--in--such--place--that-its-explosion-or-release
 27 would-endanger-human-life, knowing-at-the--time--of--such
 28 transmission--that--there--is--no--reasonable--ground-for
 29 believing--that--such--bomb,--explosive--or--a--container
 30 holding-poison--gas,--a--deadly--biological--or--chemical
 31 contaminant,--or--radioactive--substance--is-concealed-in
 32 such-plaace; or

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

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

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

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

23 (8) Transmits or causes to be transmitted a false
 24 report to the Department of Public Health under the
 25 Nursing Home Care Act; or

26 (9) (Blank); or Transmits---or---causes--to--be
 27 transmitted-in-any-manner-to--the--police--department--or
 28 fire--department--of--any-municipality-or-fire-protection
 29 district,--or-any-privately-owned-and--operated--ambulance
 30 service,--a--false--request--for--an-ambulance,--emergency
 31 medical---technician-ambulance---or---emergency---medical
 32 technician-paramedic-knowing-at--the--time--there--is--no
 33 reasonable--ground--for-believing-that-such-assistance-is
 34 required; or

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

5 (11) (Blank); or Transmits--or---causes---to---be
 6 transmitted--a--false--report-to-any-public-safety-agency
 7 without-the-reasonable-grounds-necessary-to-believe--that
 8 transmitting--such--a--report-is-necessary-for-the-safety
 9 and-welfare-of-the-public;-or

10 (12) (Blank). Calls--the--number--"911"--for---the
 11 purpose--of--making--or--transmitting--a--false--alarm-or
 12 complaint-and-reporting-information-when,-at-the-time-the
 13 call-or-transmission-is-made,-the-person-knows--there--is
 14 no--reasonable-ground-for-making-the-call-or-transmission
 15 and-further-knows-that-the--call--or--transmission--could
 16 result--in--the--emergency--response-of-any-public-safety
 17 agency.

18 (b) Sentence. A violation of subsection (a)(1) of
 19 this Section is a Class C misdemeanor. A violation of
 20 subsection (a)(5), or (a)(7), (a)(11),--or--(a)(12) of this
 21 Section is a Class A misdemeanor. A violation of subsection
 22 (a)(8) or (a)(10) of this Section is a Class B misdemeanor.
 23 A--violation--of--subsection--(a)(2),--(a)(4),--or--(a)(9)--of--this
 24 Section-is-a-Class--4--felony.---A--violation--of--subsection
 25 (a)(3)--of--this-Section-is-a-Class-3-felony,-for-which-a-fine
 26 of-not-less-than-\$3,000-and-no-more--than--\$10,000--shall--be
 27 assessed-in-addition-to-any-other-penalty-imposed.

28 A violation of subsection (a)(6) of this Section is a
 29 Business Offense and shall be punished by a fine not to
 30 exceed \$3,000. A second or subsequent violation of
 31 subsection (a)(7),--(a)(11),--or--(a)(12) of this Section is a
 32 Class 4 felony. A third or subsequent violation of
 33 subsection (a)(5) of this Section is a Class 4 felony.

34 (c) In addition to any other sentence that may be

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

10 This subsection does not apply when the court imposes a
11 sentence of incarceration.

12 (Source: P.A. 90-456, eff. 1-1-98; 91-115, eff. 1-1-00;
13 91-121, eff. 7-15-99; 92-16, eff. 6-28-01.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.