



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2971

Introduced 2/15/2018, by Sen. Michael Connelly

SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-1

from Ch. 38, par. 26-1

Amends the Criminal Code of 2012. Adds to the disorderly conduct offense of calling 911 with a false report that the offense includes making a report or causing to be reported for the purpose of knowingly making a false alarm or complaint. Provides the violation is a Class 3 felony if the person making the false report knows or should know that the response to the report is the result of an act in furtherance of or an attempt in furtherance of the offense of intimidation, aggravated intimidation, computer tampering, aggravated computer tampering, identity theft, or aggravated identity theft, and a Class 1 felony if the person making the false report knows or should know that the response to the report is likely to cause death or great bodily harm and death or great bodily harm is sustained by any person as a result of the false report. Adds authorized emergency aircraft or vessel to the definition of emergency response.

LRB100 18429 MRW 33643 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" or reports or causes to be
23 reported for the purpose of making or transmitting a false
24 alarm or complaint and reporting information when, at the
25 time the call, report, or transmission is made, the person
26 knows there is no reasonable ground for making the call,

1 report, or transmission and further knows that the call,
2 report, or transmission could result in the emergency
3 response of any public safety agency;

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

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

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

21 (10) Transmits or causes to be transmitted a false
22 report under Article II of Public Act 83-1432;

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

26 (12) While acting as a collection agency as defined in

1 the Collection Agency Act or as an employee of the
2 collection agency, and while attempting to collect an
3 alleged debt, makes a telephone call to the alleged debtor
4 which is designed to harass, annoy or intimidate the
5 alleged debtor.

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) of this Section is a Class A misdemeanor. A
9 violation of subsection (a)(8) or (a)(10) of this Section is a
10 Class B misdemeanor. A violation of subsection (a)(2),
11 (a)(3.5), (a)(4), (a)(6), (a)(7), or (a)(9) of this Section is
12 a Class 4 felony, except that a violation of subsection (a)(6)
13 is a Class 3 felony if the person making the false report knows
14 or should know that the response to the report is the result of
15 an act in furtherance of or an attempt in furtherance of the
16 offense of intimidation, aggravated intimidation, computer
17 tampering, aggravated computer tampering, identity theft, or
18 aggravated identity theft, and a Class 1 felony if the person
19 making the false report knows or should know that the response
20 to the report is likely to cause death or great bodily harm and
21 death or great bodily harm is sustained by any person as a
22 result of the false report. A violation of subsection (a)(3) of
23 this Section is a Class 3 felony, for which a fine of not less
24 than \$3,000 and no more than \$10,000 shall be assessed in
25 addition to any other penalty imposed.

26 A violation of subsection (a)(12) of this Section is a

1 Business Offense and shall be punished by a fine not to exceed
2 \$3,000. A second or subsequent violation of subsection (a) (7)
3 or (a) (5) of this Section is a Class 4 felony. A third or
4 subsequent violation of subsection (a) (11) of this Section is a
5 Class 4 felony.

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

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

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

25 (e) In addition to any other sentence that may be imposed,
26 the court shall order any person convicted of disorderly

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

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

16 (Source: P.A. 98-104, eff. 7-22-13; 99-160, eff. 1-1-16;
17 99-180, eff. 7-29-15; 99-642, eff. 7-28-16.)