



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4716

Introduced 1/12/2006, by Rep. Randall M. Hultgren

SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-1

from Ch. 38, par. 26-1

Amends the Criminal Code of 1961 concerning disorderly conduct. Provides that a second or subsequent violation of doing any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace is a Class 4 felony if the defendant has any prior conviction for disorderly conduct, or any prior conviction under the law of another jurisdiction for an offense that is substantially similar, when any of these offenses have been committed against the victim of the current violation.

LRB094 17706 RLC 53005 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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
24 ground for believing that such bomb, explosive or a
25 container holding poison gas, a deadly biological or
26 chemical contaminant, or radioactive substance is
27 concealed in such place; or

28 (4) Transmits or causes to be transmitted in any manner
29 to any peace officer, public officer or public employee a
30 report to the effect that an offense will be committed, is
31 being committed, or has been committed, knowing at the time
32 of such transmission that there is no reasonable ground for

1 believing that such an offense will be committed, is being
2 committed, or has been committed; or

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

6 (6) While acting as a collection agency as defined in
7 the "Collection Agency Act" or as an employee of such
8 collection agency, and while attempting to collect an
9 alleged debt, makes a telephone call to the alleged debtor
10 which is designed to harass, annoy or intimidate the
11 alleged debtor; or

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

16 (8) Transmits or causes to be transmitted a false
17 report to the Department of Public Health under the Nursing
18 Home Care Act; or

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

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

31 (11) Transmits or causes to be transmitted a false
32 report to any public safety agency without the reasonable
33 grounds necessary to believe that transmitting such a
34 report is necessary for the safety and welfare of the
35 public; or

36 (12) Calls the number "911" for the purpose of making

1 or transmitting a false alarm or complaint and reporting
2 information when, at the time the call or transmission is
3 made, the person knows there is no reasonable ground for
4 making the call or transmission and further knows that the
5 call or transmission could result in the emergency response
6 of any public safety agency.

7 (b) Sentence. A violation of subsection (a)(1) of this
8 Section is a Class C misdemeanor. A second or subsequent
9 violation of subsection (a)(1) of this Section is a Class 4
10 felony if the defendant has any prior conviction under this
11 Section for disorderly conduct, or any prior conviction under
12 the law of another jurisdiction for an offense that is
13 substantially similar, when any of these offenses have been
14 committed against the victim of the current violation. A
15 violation of subsection (a)(5), (a)(11), or (a)(12) of this
16 Section is a Class A misdemeanor. A violation of subsection
17 (a)(8) or (a)(10) of this Section is a Class B misdemeanor. A
18 violation of subsection (a)(2), (a)(4), (a)(7), or (a)(9) of
19 this Section is a Class 4 felony. A violation of subsection
20 (a)(3) of this Section is a Class 3 felony, for which a fine of
21 not less than \$3,000 and no more than \$10,000 shall be assessed
22 in addition to any other penalty imposed.

23 A violation of subsection (a)(6) of this Section is a
24 Business Offense and shall be punished by a fine not to exceed
25 \$3,000. A second or subsequent violation of subsection (a)(7),
26 (a)(11), or (a)(12) of this Section is a Class 4 felony. A
27 third or subsequent violation of subsection (a)(5) of this
28 Section is a Class 4 felony.

29 (c) In addition to any other sentence that may be imposed,
30 a court shall order any person convicted of disorderly conduct
31 to perform community service for not less than 30 and not more
32 than 120 hours, if community service is available in the
33 jurisdiction and is funded and approved by the county board of
34 the county where the offense was committed. In addition,
35 whenever any person is placed on supervision for an alleged
36 offense under this Section, the supervision shall be

1 conditioned upon the performance of the community service.

2 This subsection does not apply when the court imposes a
3 sentence of incarceration.

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