

SB1609



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1609

Introduced 2/13/2013, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-9

from Ch. 38, par. 12-9

Amends the Criminal Code of 2012. Includes in the offense of threatening a public official threatening a human service provider. Defines "human service provider".

LRB098 08542 RLC 38654 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 12-9 as follows:

6 (720 ILCS 5/12-9) (from Ch. 38, par. 12-9)

7 Sec. 12-9. Threatening public officials; human service
8 providers.

9 (a) A person commits threatening a public official or human
10 service provider when:

11 (1) that person knowingly delivers or conveys,
12 directly or indirectly, to a public official or human
13 service provider by any means a communication:

14 (i) containing a threat that would place the public
15 official or human service provider or a member of his
16 or her immediate family in reasonable apprehension of
17 immediate or future bodily harm, sexual assault,
18 confinement, or restraint; or

19 (ii) containing a threat that would place the
20 public official or human service provider or a member
21 of his or her immediate family in reasonable
22 apprehension that damage will occur to property in the
23 custody, care, or control of the public official or his

1 or her immediate family; and

2 (2) the threat was conveyed because of the performance
3 or nonperformance of some public duty, because of hostility
4 of the person making the threat toward the status or
5 position of the public official or toward the human service
6 provider acting in his or her authorized capacity, or
7 because of any other factor related to the official's
8 public existence.

9 (a-5) For purposes of a threat to a sworn law enforcement
10 officer, the threat must contain specific facts indicative of a
11 unique threat to the person, family or property of the officer
12 and not a generalized threat of harm.

13 (a-6) For purposes of a threat to a social worker,
14 caseworker, or investigator, or human service provider, the
15 threat must contain specific facts indicative of a unique
16 threat to the person, family or property of the individual and
17 not a generalized threat of harm.

18 (b) For purposes of this Section:

19 (1) "Public official" means a person who is elected to
20 office in accordance with a statute or who is appointed to
21 an office which is established, and the qualifications and
22 duties of which are prescribed, by statute, to discharge a
23 public duty for the State or any of its political
24 subdivisions or in the case of an elective office any
25 person who has filed the required documents for nomination
26 or election to such office. "Public official" includes a

1 duly appointed assistant State's Attorney, assistant
2 Attorney General, or Appellate Prosecutor; a sworn law
3 enforcement or peace officer; a social worker, caseworker,
4 or investigator employed by the Department of Healthcare
5 and Family Services, the Department of Human Services, or
6 the Department of Children and Family Services.

7 (1.5) "Human service provider" means a social worker,
8 case worker, or investigator employed by an agency or
9 organization providing social work, case work, or
10 investigative services under a contract with or a grant
11 from the State of Illinois.

12 (2) "Immediate family" means a public official's
13 spouse or child or children.

14 (c) Threatening a public official or human service provider
15 is a Class 3 felony for a first offense and a Class 2 felony for
16 a second or subsequent offense.

17 (Source: P.A. 96-1551, eff. 7-1-11; 97-1079, eff. 1-1-13.)