

HB3996



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3996

by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-1

from Ch. 38, par. 26-1

Amends the Criminal Code of 2012. Provides that a person also commits disorderly conduct when he or she knowingly uses a drone to harass or conduct surveillance of another person without the consent of that other person and with the intent to alarm or disturb that other person. Defines "drone". Provides that a violation is a Class A misdemeanor.

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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, or the ID/DD Community Care
11 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 "An Act in relation to victims
22 of violence and abuse", approved September 16, 1984, as
23 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) Uses a drone to harass or conduct surveillance of
8 another person without the consent of that other person and
9 with the intent to alarm or disturb that other person. In
10 this paragraph (13), "drone" has the meaning ascribed to it
11 in Section 5 of the Freedom from Drone Surveillance Act.

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

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

1 Class 4 felony.

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

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

13 (d) In addition to any other sentence that may be imposed,
14 the court shall order any person convicted of disorderly
15 conduct under paragraph (3) of subsection (a) involving a false
16 alarm of a threat that a bomb or explosive device has been
17 placed in a school to reimburse the unit of government that
18 employs the emergency response officer or officers that were
19 dispatched to the school for the cost of the search for a bomb
20 or explosive device. For the purposes of this Section,
21 "emergency response" means any incident requiring a response by
22 a police officer, a firefighter, a State Fire Marshal employee,
23 or an ambulance.

24 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,
25 eff. 7-13-12; 97-1108, eff. 1-1-13; 98-104, eff. 7-22-13.)