



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1904

Introduced 2/20/2015, by Sen. Michael Connelly

SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-1

from Ch. 38, par. 26-1

Amends the Criminal Code of 2012 concerning disorderly conduct. Provides that knowingly making a false report knowing that there is no reasonable grounds for making the report and knowing that the report could result in an emergency response is a Class 4 felony, except that the offense 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 or 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 injury and death or great bodily injury is sustained by any person as a result of the false report. Provides that in addition to any other sentence that may be imposed, the court shall order any person convicted of disorderly conduct under this provision to reimburse the unit of government that employs the emergency response officer or officers that were dispatched to the scene of the emergency for the reasonable costs of the emergency response by the officer or officers. Provides that if the person who made the false report is a minor, the parent, guardian, or lawful custodian of the minor shall be responsible for the reasonable costs of the emergency response. Changes definition of "emergency response".

LRB099 09957 RLC 30176 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL 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 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
7 Reporting 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, or the ID/DD Community Care
12 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 "An Act in relation to victims
23 of violence and abuse", approved September 16, 1984, as
24 amended;

25 (11) Enters upon the property of another and for a lewd
26 or unlawful purpose deliberately looks into a dwelling on

1 the property through any window or other opening in it; or

2 (12) While acting as a collection agency as defined in
3 the Collection Agency Act or as an employee of the
4 collection agency, and while attempting to collect an
5 alleged debt, makes a telephone call to the alleged debtor
6 which is designed to harass, annoy or intimidate the
7 alleged debtor.

8 (b) Sentence. A violation of subsection (a)(1) of this
9 Section is a Class C misdemeanor. A violation of subsection
10 (a)(5) or (a)(11) of this Section is a Class A misdemeanor. A
11 violation of subsection (a)(8) or (a)(10) of this Section is a
12 Class B misdemeanor. A violation of subsection (a)(2),
13 (a)(3.5), (a)(4), (a)(6), (a)(7), or (a)(9) of this Section is
14 a Class 4 felony, except that a violation of subsection (a)(6)
15 is a Class 3 felony if the person making the false report knows
16 or should know that the response to the report is the result of
17 an act in furtherance or attempt in furtherance of the offense
18 of intimidation, aggravated intimidation, computer tampering,
19 aggravated computer tampering, identity theft, or aggravated
20 identity theft and a Class 1 felony if the person making the
21 false report knows or should know that the response to the
22 report is likely to cause death or great bodily injury and
23 death or great bodily injury is sustained by any person as a
24 result of the false report. A violation of subsection (a)(3) of
25 this Section is a Class 3 felony, for which a fine of not less
26 than \$3,000 and no more than \$10,000 shall be assessed in

1 addition to any other penalty imposed.

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

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

17 This subsection does not apply when the court imposes a
18 sentence of incarceration.

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

1 "emergency response" means any condition that results in, or
2 could result in, the response of a public official in an
3 authorized emergency vehicle, aircraft, or vessel, any
4 condition that jeopardizes or could jeopardize public safety
5 and results in, or could result in, the evacuation of any area,
6 building, structure, vehicle, or of any other place that any
7 individual may enter, or any situation that results in or could
8 result in activation of a special response team, other than a
9 report made or caused to be made by a parent, guardian, or
10 lawful custodian of a child that is based on a good faith
11 belief that the child is missing.

12 (e) In addition to any other sentence that may be imposed,
13 the court shall order any person convicted of disorderly
14 conduct under paragraph (6) of subsection (a) to reimburse the
15 unit of government that employs the emergency response officer
16 or officers that were dispatched to the scene of the emergency
17 for the reasonable costs of the emergency response by the
18 officer or officers. If the person who made the false report is
19 a minor, the parent, guardian, or lawful custodian of the minor
20 shall be responsible for the reasonable costs of the emergency
21 response ~~any incident requiring a response by a police officer,~~
22 ~~a firefighter, a State Fire Marshal employee, or an ambulance.~~

23 (f) Nothing in this Section precludes punishment for a
24 violation of subsection (a)(6) under any other law providing
25 for greater punishment for that conduct.

26 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,

SB1904

- 7 -

LRB099 09957 RLC 30176 b

1 eff. 7-13-12; 97-1108, eff. 1-1-13; 98-104, eff. 7-22-13.)