

AN ACT concerning criminal law.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 5. The Criminal Code of 1961 is amended by changing  
Section 12-9 as follows:

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

Sec. 12-9. Threatening public officials.

(a) A person commits the offense of threatening a public  
official when:

(1) that person knowingly and willfully delivers or  
conveys, directly or indirectly, to a public official by  
any means a communication:

(i) containing a threat that would place the public  
official or a member of his or her immediate family in  
reasonable apprehension of immediate or future bodily  
harm, sexual assault, confinement, or restraint; or

(ii) containing a threat that would place the  
public official or a member of his or her immediate  
family in reasonable apprehension that damage will  
occur to property in the custody, care, or control of  
the public official or his or her immediate family; and

(2) the threat was conveyed because of the performance  
or nonperformance of some public duty, because of hostility

of the person making the threat toward the status or position of the public official, or because of any other factor related to the official's public existence.

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

(b) For purposes of this Section:

(1) "Public official" means a person who is elected to office in accordance with a statute or who is appointed to an office which is established, and the qualifications and duties of which are prescribed, by statute, to discharge a public duty for the State or any of its political subdivisions or in the case of an elective office any person who has filed the required documents for nomination or election to such office. "Public official" includes a duly appointed assistant State's Attorney and a sworn law enforcement or peace officer.

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

(c) Threatening a public official is a Class 3 felony for a first offense and a Class 2 felony for a second or subsequent offense.

(Source: P.A. 91-335, eff. 1-1-00; 91-387, eff. 1-1-00; 92-16, eff. 6-28-01.)