



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB1579

by Rep. Kelly M. Burke

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-705

720 ILCS 5/26-1

from Ch. 38, par. 26-1

Amends the Juvenile Court Act of 1987. Provides that before a sentencing order is entered by the court for a minor adjudged delinquent for disorderly conduct by transmitting or causing to be transmitted in any manner a threat of destruction of a school building or school property, or a threat of violence, death, or bodily harm directed against persons at a school, school function, or school event, whether or not school is in session, in which the minor made a threat of violence, death, or bodily harm against a person, school, school function, or school event, the court shall order a mental health evaluation of the minor by a physician, clinical psychologist, or qualified examiner, whether employed by the State, by any public or private mental health facility or part of the facility, or by any public or private medical facility or part of the facility. Provides that a statement made by a minor during the course of a mental health evaluation conducted under the Act is not admissible on the issue of delinquency during the course of an adjudicatory hearing held under the Act. Amends the Criminal Code of 2012 concerning disorderly conduct. Provides that the threat may be made in any manner. Provides that reimbursement by the defendant for the costs of an emergency response to a school does not apply if the court determines that the defendant is indigent.

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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 Juvenile Court Act of 1987 is amended by
5 changing Section 5-705 as follows:

6 (705 ILCS 405/5-705)

7 Sec. 5-705. Sentencing hearing; evidence; continuance.

8 (1) In this subsection (1), "violent crime" has the same
9 meaning ascribed to the term in subsection (c) of Section 3 of
10 the Rights of Crime Victims and Witnesses Act. At the
11 sentencing hearing, the court shall determine whether it is in
12 the best interests of the minor or the public that he or she be
13 made a ward of the court, and, if he or she is to be made a ward
14 of the court, the court shall determine the proper disposition
15 best serving the interests of the minor and the public. All
16 evidence helpful in determining these questions, including
17 oral and written reports, may be admitted and may be relied
18 upon to the extent of its probative value, even though not
19 competent for the purposes of the trial. A crime victim shall
20 be allowed to present an oral or written statement, as
21 guaranteed by Article I, Section 8.1 of the Illinois
22 Constitution and as provided in Section 6 of the Rights of
23 Crime Victims and Witnesses Act, in any case in which: (a) a

1 juvenile has been adjudicated delinquent for a violent crime
2 after a bench or jury trial; or (b) the petition alleged the
3 commission of a violent crime and the juvenile has been
4 adjudicated delinquent under a plea agreement of a crime that
5 is not a violent crime. The court shall allow a victim to make
6 an oral statement if the victim is present in the courtroom and
7 requests to make an oral statement. An oral statement includes
8 the victim or a representative of the victim reading the
9 written statement. The court may allow persons impacted by the
10 crime who are not victims under subsection (a) of Section 3 of
11 the Rights of Crime Victims and Witnesses Act to present an
12 oral or written statement. A victim and any person making an
13 oral statement shall not be put under oath or subject to
14 cross-examination. A record of a prior continuance under
15 supervision under Section 5-615, whether successfully
16 completed or not, is admissible at the sentencing hearing. No
17 order of commitment to the Department of Juvenile Justice shall
18 be entered against a minor before a written report of social
19 investigation, which has been completed within the previous 60
20 days, is presented to and considered by the court.

21 (2) Once a party has been served in compliance with Section
22 5-525, no further service or notice must be given to that party
23 prior to proceeding to a sentencing hearing. Before imposing
24 sentence the court shall advise the State's Attorney and the
25 parties who are present or their counsel of the factual
26 contents and the conclusions of the reports prepared for the

1 use of the court and considered by it, and afford fair
2 opportunity, if requested, to controvert them. Factual
3 contents, conclusions, documents and sources disclosed by the
4 court under this paragraph shall not be further disclosed
5 without the express approval of the court.

6 (3) On its own motion or that of the State's Attorney, a
7 parent, guardian, legal custodian, or counsel, the court may
8 adjourn the hearing for a reasonable period to receive reports
9 or other evidence and, in such event, shall make an appropriate
10 order for detention of the minor or his or her release from
11 detention subject to supervision by the court during the period
12 of the continuance. In the event the court shall order
13 detention hereunder, the period of the continuance shall not
14 exceed 30 court days. At the end of such time, the court shall
15 release the minor from detention unless notice is served at
16 least 3 days prior to the hearing on the continued date that
17 the State will be seeking an extension of the period of
18 detention, which notice shall state the reason for the request
19 for the extension. The extension of detention may be for a
20 maximum period of an additional 15 court days or a lesser
21 number of days at the discretion of the court. However, at the
22 expiration of the period of extension, the court shall release
23 the minor from detention if a further continuance is granted.
24 In scheduling investigations and hearings, the court shall give
25 priority to proceedings in which a minor is in detention or has
26 otherwise been removed from his or her home before a sentencing

1 order has been made.

2 (4) When commitment to the Department of Juvenile Justice
3 is ordered, the court shall state the basis for selecting the
4 particular disposition, and the court shall prepare such a
5 statement for inclusion in the record.

6 (5) Before a sentencing order is entered by the court under
7 Section 5-710 for a minor adjudged delinquent for a violation
8 of paragraph (3.5) of subsection (a) of Section 26-1 of the
9 Criminal Code of 2012, in which the minor made a threat of
10 violence, death, or bodily harm against a person, school,
11 school function, or school event, the court shall order a
12 mental health evaluation of the minor by a physician, clinical
13 psychologist, or qualified examiner, whether employed by the
14 State, by any public or private mental health facility or part
15 of the facility, or by any public or private medical facility
16 or part of the facility. A statement made by a minor during the
17 course of a mental health evaluation conducted under this
18 subsection (5) is not admissible on the issue of delinquency
19 during the course of an adjudicatory hearing held under this
20 Act. In this subsection (5), "qualified examiner" has the
21 meaning provided in Section 1-122 of the Mental Health and
22 Developmental Disabilities Code.

23 (Source: P.A. 100-961, eff. 1-1-19.)

24 Section 10. The Criminal Code of 2012 is amended by
25 changing Section 26-1 as follows:

1 (720 ILCS 5/26-1) (from Ch. 38, par. 26-1)

2 Sec. 26-1. Disorderly conduct.

3 (a) A person commits disorderly conduct when he or she
4 knowingly:

5 (1) Does any act in such unreasonable manner as to
6 alarm or disturb another and to provoke a breach of the
7 peace;

8 (2) Transmits or causes to be transmitted in any manner
9 to the fire department of any city, town, village or fire
10 protection district a false alarm of fire, knowing at the
11 time of the transmission that there is no reasonable ground
12 for believing that the fire exists;

13 (3) Transmits or causes to be transmitted in any manner
14 to another a false alarm to the effect that a bomb or other
15 explosive of any nature or a container holding poison gas,
16 a deadly biological or chemical contaminant, or
17 radioactive substance is concealed in a place where its
18 explosion or release would endanger human life, knowing at
19 the time of the transmission that there is no reasonable
20 ground for believing that the bomb, explosive or a
21 container holding poison gas, a deadly biological or
22 chemical contaminant, or radioactive substance is
23 concealed in the place;

24 (3.5) Transmits or causes to be transmitted in any
25 manner a threat of destruction of a school building or

1 school property, or a threat of violence, death, or bodily
2 harm directed against persons at a school, school function,
3 or school event, whether or not school is in session;

4 (4) Transmits or causes to be transmitted in any manner
5 to any peace officer, public officer or public employee a
6 report to the effect that an offense will be committed, is
7 being committed, or has been committed, knowing at the time
8 of the transmission that there is no reasonable ground for
9 believing that the offense will be committed, is being
10 committed, or has been committed;

11 (5) Transmits or causes to be transmitted in any manner
12 a false report to any public safety agency without the
13 reasonable grounds necessary to believe that transmitting
14 the report is necessary for the safety and welfare of the
15 public; or

16 (6) Calls the number "911" or transmits or causes to be
17 transmitted in any manner to a public safety agency for the
18 purpose of making or transmitting a false alarm or
19 complaint and reporting information when, at the time the
20 call or transmission is made, the person knows there is no
21 reasonable ground for making the call or transmission and
22 further knows that the call or transmission could result in
23 the emergency response of any public safety agency;

24 (7) Transmits or causes to be transmitted in any manner
25 a false report to the Department of Children and Family
26 Services under Section 4 of the Abused and Neglected Child

1 Reporting Act;

2 (8) Transmits or causes to be transmitted in any manner
3 a false report to the Department of Public Health under the
4 Nursing Home Care Act, the Specialized Mental Health
5 Rehabilitation Act of 2013, the ID/DD Community Care Act,
6 or the MC/DD Act;

7 (9) Transmits or causes to be transmitted in any manner
8 to the police department or fire department of any
9 municipality or fire protection district, or any privately
10 owned and operated ambulance service, a false request for
11 an ambulance, emergency medical technician-ambulance or
12 emergency medical technician-paramedic knowing at the time
13 there is no reasonable ground for believing that the
14 assistance is required;

15 (10) Transmits or causes to be transmitted in any
16 manner a false report under Article II of Public Act
17 83-1432;

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

21 (12) While acting as a collection agency as defined in
22 the Collection Agency Act or as an employee of the
23 collection agency, and while attempting to collect an
24 alleged debt, makes a telephone call to the alleged debtor
25 which is designed to harass, annoy or intimidate the
26 alleged debtor.

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

11 A violation of subsection (a)(12) of this Section is a
12 Business Offense and shall be punished by a fine not to exceed
13 \$3,000. A second or subsequent violation of subsection (a)(7)
14 or (a)(5) of this Section is a Class 4 felony. A third or
15 subsequent violation of subsection (a)(11) of this Section is a
16 Class 4 felony.

17 (c) In addition to any other sentence that may be imposed,
18 a court shall order any person convicted of disorderly conduct
19 to perform community service for not less than 30 and not more
20 than 120 hours, if community service is available in the
21 jurisdiction and is funded and approved by the county board of
22 the county where the offense was committed. In addition,
23 whenever any person is placed on supervision for an alleged
24 offense under this Section, the supervision shall be
25 conditioned upon the performance of the community service.

26 This subsection does not apply when the court imposes a

1 sentence of incarceration.

2 (d) In addition to any other sentence that may be imposed,
3 the court shall order any person convicted of disorderly
4 conduct that requires an emergency response to ~~under paragraph~~
5 ~~(3) of subsection (a) involving a false alarm of a threat that~~
6 ~~a bomb or explosive device has been placed in~~ a school to
7 reimburse the unit of government that employs the emergency
8 response officer or officers that were dispatched to the school
9 for the cost of the response. If the court determines that the
10 person convicted of disorderly conduct that requires an
11 emergency response to a school is indigent, the provisions of
12 this subsection (d) do not apply ~~search for a bomb or explosive~~
13 ~~device.~~

14 (e) In addition to any other sentence that may be imposed,
15 the court shall order any person convicted of disorderly
16 conduct under paragraph (6) of subsection (a) to reimburse the
17 public agency for the reasonable costs of the emergency
18 response by the public agency up to \$10,000. If the court
19 determines that the person convicted of disorderly conduct
20 under paragraph (6) of subsection (a) is indigent, the
21 provisions of this subsection (e) do not apply.

22 (f) For the purposes of this Section, "emergency response"
23 means any condition that results in, or could result in, the
24 response of a public official in an authorized emergency
25 vehicle, any condition that jeopardizes or could jeopardize
26 public safety and results in, or could result in, the

1 evacuation of any area, building, structure, vehicle, or of any
2 other place that any person may enter, or any incident
3 requiring a response by a police officer, a firefighter, a
4 State Fire Marshal employee, or an ambulance.

5 (Source: P.A. 98-104, eff. 7-22-13; 99-160, eff. 1-1-16;
6 99-180, eff. 7-29-15; 99-642, eff. 7-28-16.)