

SB1968



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1968

Introduced 2/9/2023, by Sen. Steve McClure

SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-1

from Ch. 38, par. 26-1

Amends the Criminal Code of 2012. Provides that a person commits disorderly conduct when he or she knowingly transmits or causes to be transmitted in any manner a threat of destruction of a child care institution or day care center building or property, or a threat of violence, death, or bodily harm directed against persons at a child care institution or day care center, a child care institution or day care center function, or a child care institution or day care center event, whether or not the child care institution or day care center is in session. Provides that a violation is a Class 4 felony. Effective immediately.

LRB103 28781 RLC 55166 b

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
5 changing 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
14 manner to the fire department of any city, town, village
15 or fire protection district a false alarm of fire, knowing
16 at the time of the transmission that there is no
17 reasonable ground for believing that the fire exists;

18 (3) Transmits or causes to be transmitted in any
19 manner to another a false alarm to the effect that a bomb
20 or other explosive of any nature or a container holding
21 poison gas, a deadly biological or chemical contaminant,
22 or 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 in any
7 manner a threat of destruction of a school building or
8 school property, or a threat of violence, death, or bodily
9 harm directed against persons at a school, school
10 function, or school event, whether or not school is in
11 session;

12 (3.6) Transmits or causes to be transmitted in any
13 manner a threat of destruction of a child care institution
14 or day care center building or property, or a threat of
15 violence, death, or bodily harm directed against persons
16 at a child care institution or day care center, a child
17 care institution or day care center function, or a child
18 care institution or day care center event, whether or not
19 the child care institution or day care center is in
20 session;

21 (4) Transmits or causes to be transmitted in any
22 manner to any peace officer, public officer or public
23 employee a report to the effect that an offense will be
24 committed, is being committed, or has been committed,
25 knowing at the time of the transmission that there is no
26 reasonable ground for believing that the offense will be

1 committed, is being committed, or has been committed;

2 (5) Transmits or causes to be transmitted in any
3 manner a false report to any public safety agency without
4 the reasonable grounds necessary to believe that
5 transmitting the report is necessary for the safety and
6 welfare of the public; or

7 (6) Calls the number "911" or transmits or causes to
8 be transmitted in any manner to a public safety agency for
9 the purpose of making or transmitting a false alarm or
10 complaint and reporting information when, at the time the
11 call or transmission is made, the person knows there is no
12 reasonable ground for making the call or transmission and
13 further knows that the call or transmission could result
14 in the emergency response of any public safety agency;

15 (7) Transmits or causes to be transmitted in any
16 manner a false report to the Department of Children and
17 Family Services under Section 4 of the Abused and
18 Neglected Child Reporting Act;

19 (8) Transmits or causes to be transmitted in any
20 manner a false report to the Department of Public Health
21 under the Nursing Home Care Act, the Specialized Mental
22 Health Rehabilitation Act of 2013, the ID/DD Community
23 Care Act, or the MC/DD Act;

24 (9) Transmits or causes to be transmitted in any
25 manner to the police department or fire department of any
26 municipality or fire protection district, or any privately

1 owned and operated ambulance service, a false request for
2 an ambulance, emergency medical technician-ambulance or
3 emergency medical technician-paramedic knowing at the time
4 there is no reasonable ground for believing that the
5 assistance is required;

6 (10) Transmits or causes to be transmitted in any
7 manner a false report under Article II of Public Act
8 83-1432;

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

13 (12) While acting as a collection agency as defined in
14 the Collection Agency Act or as an employee of the
15 collection agency, and while attempting to collect an
16 alleged debt, makes a telephone call to the alleged debtor
17 which is designed to harass, annoy or intimidate the
18 alleged debtor.

19 (b) Sentence. A violation of subsection (a)(1) of this
20 Section is a Class C misdemeanor. A violation of subsection
21 (a)(5) or (a)(11) of this Section is a Class A misdemeanor. A
22 violation of subsection (a)(8) or (a)(10) of this Section is a
23 Class B misdemeanor. A violation of subsection (a)(2),
24 (a)(3.5), (a)(3.6), (a)(4), (a)(6), (a)(7), or (a)(9) of this
25 Section is a Class 4 felony. A violation of subsection (a)(3)
26 of this Section is a Class 3 felony, for which a fine of not

1 less than \$3,000 and no more than \$10,000 shall be assessed in
2 addition to any other penalty imposed.

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

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

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

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

1 school for the cost of the response. If the court determines
2 that the person convicted of disorderly conduct that requires
3 an emergency response to a school is indigent, the provisions
4 of this subsection (d) do not apply.

5 (e) In addition to any other sentence that may be imposed,
6 the court shall order any person convicted of disorderly
7 conduct under paragraph (3.5) or (6) of subsection (a) to
8 reimburse the public agency for the reasonable costs of the
9 emergency response by the public agency up to \$10,000. If the
10 court determines that the person convicted of disorderly
11 conduct under paragraph (3.5) or (6) of subsection (a) is
12 indigent, the provisions of this subsection (e) do not apply.

13 (f) For the purposes of this Section, "emergency response"
14 means any condition that results in, or could result in, the
15 response of a public official in an authorized emergency
16 vehicle, any condition that jeopardizes or could jeopardize
17 public safety and results in, or could result in, the
18 evacuation of any area, building, structure, vehicle, or of
19 any other place that any person may enter, or any incident
20 requiring a response by a police officer, a firefighter, a
21 State Fire Marshal employee, or an ambulance.

22 (Source: P.A. 101-238, eff. 1-1-20.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.