



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

**HB4391**

Introduced 1/4/2006, by Rep. Robert W. Churchill

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-1

from Ch. 38, par. 26-1

Amends the Criminal Code of 1961. Provides that a person commits disorderly conduct when he or she knowingly possesses while on, brings onto, or causes to be brought onto school property, any B-B gun which expels a single globular projectile not exceeding .18 inch in diameter and which has a maximum muzzle velocity of less than 700 feet per second without the consent of the chief security officer for such school property. Provides that a violation is a Class A misdemeanor.

LRB094 13392 RLC 48252 b

CORRECTIONAL  
BUDGET AND  
IMPACT 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 1961 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. Elements of the Offense.

8 (a) A person commits disorderly conduct when he knowingly:

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

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

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

28 (4) Transmits or causes to be transmitted in any manner  
29 to any peace officer, public officer or public employee a  
30 report to the effect that an offense will be committed, is  
31 being committed, or has been committed, knowing at the time  
32 of such transmission that there is no reasonable ground for

1 believing that such an offense will be committed, is being  
2 committed, or has been committed; or

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

6 (6) While acting as a collection agency as defined in  
7 the "Collection Agency Act" or as an employee of such  
8 collection agency, and while attempting to collect an  
9 alleged debt, makes a telephone call to the alleged debtor  
10 which is designed to harass, annoy or intimidate the  
11 alleged debtor; or

12 (7) Transmits or causes to be transmitted a false  
13 report to the Department of Children and Family Services  
14 under Section 4 of the "Abused and Neglected Child  
15 Reporting Act"; or

16 (8) Transmits or causes to be transmitted a false  
17 report to the Department of Public Health under the Nursing  
18 Home Care Act; or

19 (9) Transmits or causes to be transmitted in any manner  
20 to the police department or fire department of any  
21 municipality or fire protection district, or any privately  
22 owned and operated ambulance service, a false request for  
23 an ambulance, emergency medical technician-ambulance or  
24 emergency medical technician-paramedic knowing at the time  
25 there is no reasonable ground for believing that such  
26 assistance is required; or

27 (10) Transmits or causes to be transmitted a false  
28 report under Article II of "An Act in relation to victims  
29 of violence and abuse", approved September 16, 1984, as  
30 amended; or

31 (11) Transmits or causes to be transmitted a false  
32 report to any public safety agency without the reasonable  
33 grounds necessary to believe that transmitting such a  
34 report is necessary for the safety and welfare of the  
35 public; or

36 (12) Calls the number "911" for the purpose of making

1 or transmitting a false alarm or complaint and reporting  
2 information when, at the time the call or transmission is  
3 made, the person knows there is no reasonable ground for  
4 making the call or transmission and further knows that the  
5 call or transmission could result in the emergency response  
6 of any public safety agency; ~~or~~

7 (13) Possesses while on, brings onto, or causes to be  
8 brought onto school property, any B-B gun which expels a  
9 single globular projectile not exceeding .18 inch in  
10 diameter and which has a maximum muzzle velocity of less  
11 than 700 feet per second without the consent of the chief  
12 security officer for such school property. For the purposes  
13 of this Section, "school property" includes any conveyance  
14 owned, leased, or contracted by a school to transport  
15 students to a school or a school related activity.

16 (b) Sentence. A violation of subsection (a)(1) of this  
17 Section is a Class C misdemeanor. A violation of subsection  
18 (a)(5), (a)(11), ~~or~~ (a)(12), or (a)(13) of this Section is a  
19 Class A misdemeanor. A violation of subsection (a)(8) or  
20 (a)(10) of this Section is a Class B misdemeanor. A violation  
21 of subsection (a)(2), (a)(4), (a)(7), or (a)(9) of this Section  
22 is a Class 4 felony. A violation of subsection (a)(3) of this  
23 Section is a Class 3 felony, for which a fine of not less than  
24 \$3,000 and no more than \$10,000 shall be assessed in addition  
25 to any other penalty imposed.

26 A violation of subsection (a)(6) of this Section is a  
27 Business Offense and shall be punished by a fine not to exceed  
28 \$3,000. A second or subsequent violation of subsection (a)(7),  
29 (a)(11), or (a)(12) of this Section is a Class 4 felony. A  
30 third or subsequent violation of subsection (a)(5) of this  
31 Section is a Class 4 felony.

32 (c) In addition to any other sentence that may be imposed,  
33 a court shall order any person convicted of disorderly conduct  
34 to perform community service for not less than 30 and not more  
35 than 120 hours, if community service is available in the  
36 jurisdiction and is funded and approved by the county board of

1 the county where the offense was committed. In addition,  
2 whenever any person is placed on supervision for an alleged  
3 offense under this Section, the supervision shall be  
4 conditioned upon the performance of the community service.

5 This subsection does not apply when the court imposes a  
6 sentence of incarceration.

7 (Source: P.A. 92-16, eff. 6-28-01; 92-502, eff. 12-19-01;  
8 93-431, eff. 8-5-03.)