

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 1. Findings; validation.

5 (a) Public Act 90-456, effective January 1, 1998, was
6 entitled "An Act in relation to criminal law.". It contained
7 provisions amending the Criminal Code of 1961, the Code of
8 Criminal Procedure of 1963, and the Emergency Telephone
9 System Act, all pertaining to the subject of criminal law.
10 It also contained a provision amending subsection (b) of
11 Section 2-14 of the Juvenile Court Act of 1987, relating to
12 the commencement of civil adjudicatory hearings in abuse,
13 neglect, and dependency cases.

14 (b) The Illinois Supreme Court, in *People v. Sypien*,
15 Docket No. 89265, has ruled that the inclusion of the
16 amendment to the Juvenile Court Act of 1987 violated the
17 single subject clause of the Illinois Constitution (Article
18 IV, Section 8(d)), and that Public Act 90-456 is therefore
19 unconstitutional in its entirety.

20 (c) This Act re-enacts Section 15.2 of the Emergency
21 Telephone System Act, Section 26-1 of the Criminal Code of
22 1961, and Section 108-8 of the Code of Criminal Procedure of
23 1963. The text of those Sections includes both the changes
24 made by Public Act 90-456 and, where applicable, changes made
25 by subsequent amendments. In order to avoid confusion with
26 the changes made by subsequent amendments, the Sections that
27 are re-enacted in this Act are shown as existing text (i.e.,
28 without striking and underscoring). This Act is not intended
29 to supersede any other Public Act that amends the text of any
30 of the re-enacted Sections as set forth in this Act. This Act
31 also amends Section 12-14 of the Criminal Code of 1961.

32 (d) All otherwise lawful actions taken before the

1 effective date of this Act in reliance on or pursuant to
 2 Section 108-8 of the Code of Criminal Procedure of 1963, as
 3 set forth in Public Act 90-456, by any officer, employee, or
 4 agency of State or local government or by any other person or
 5 entity, are hereby validated.

6 (e) The re-enactment by this Act of Section 108-8 of the
 7 Code of Criminal Procedure of 1963 applies to warrants issued
 8 or executed on or after the effective date of Public Act
 9 90-456 (January 1, 1998), as well as warrants issued or
 10 executed on or after the effective date of this Act.

11 Section 5. The Emergency Telephone System Act is amended
 12 by re-enacting Section 15.2 as follows:

13 (50 ILCS 750/15.2) (from Ch. 134, par. 45.2)

14 Sec. 15.2. Any person calling the number "911" for the
 15 purpose of making a false alarm or complaint and reporting
 16 false information is subject to the provisions of Section
 17 26-1 of the Criminal Code of 1961.

18 (Source: P.A. 90-456, eff. 1-1-98.)

19 Section 10. The Criminal Code of 1961 is amended by
 20 re-enacting Section 26-1 and amending Section 12-14 as
 21 follows:

22 (720 ILCS 5/12-14) (from Ch. 38, par. 12-14)

23 Sec. 12-14. Aggravated Criminal Sexual Assault.

24 (a) The accused commits aggravated criminal sexual
 25 assault if he or she commits criminal sexual assault and any
 26 of the following aggravating circumstances existed during, or
 27 for the purposes of paragraph (7) of this subsection (a) as
 28 part of the same course of conduct as, the commission of the
 29 offense:

30 (1) the accused displayed, threatened to use, or

1 used a dangerous weapon, other than a firearm, or any
2 object fashioned or utilized in such a manner as to lead
3 the victim under the circumstances reasonably to believe
4 it to be a dangerous weapon; or

5 (2) the accused caused bodily harm, except as
6 provided in subsection (a)(10), to the victim; or

7 (3) the accused acted in such a manner as to
8 threaten or endanger the life of the victim or any other
9 person; or

10 (4) the criminal sexual assault was perpetrated
11 during the course of the commission or attempted
12 commission of any other felony by the accused; or

13 (5) the victim was 60 years of age or over when the
14 offense was committed; or

15 (6) the victim was a physically handicapped person;
16 or

17 (7) the accused delivered (by injection,
18 inhalation, ingestion, transfer of possession, or any
19 other means) to the victim without his or her consent, or
20 by threat or deception, and for other than medical
21 purposes, any controlled substance; or

22 (8) the accused was armed with a firearm; or

23 (9) the accused personally discharged a firearm
24 during the commission of the offense; or

25 (10) the accused, during the commission of the
26 offense, personally discharged a firearm that proximately
27 caused great bodily harm, permanent disability, permanent
28 disfigurement, or death to another person.

29 (b) The accused commits aggravated criminal sexual
30 assault if the accused was under 17 years of age and (i)
31 commits an act of sexual penetration with a victim who was
32 under 9 years of age when the act was committed; or (ii)
33 commits an act of sexual penetration with a victim who was at
34 least 9 years of age but under 13 years of age when the act

1 was committed and the accused used force or threat of force
2 to commit the act.

3 (c) The accused commits aggravated criminal sexual
4 assault if he or she commits an act of sexual penetration
5 with a victim who was a severely or profoundly mentally
6 retarded person at the time the act was committed.

7 (d) Sentence.

8 (1) Aggravated criminal sexual assault in violation
9 of paragraph (1), (2), (3), (4), (5), (6), or (7) of
10 subsection (a) or in violation of subsection (b) or (c)
11 is a Class X felony. A violation of subsection (a)(8) is
12 a Class X felony for which 15 years shall be added to the
13 term of imprisonment imposed by the court. A violation of
14 subsection (a)(9) is a Class X felony for which 20 years
15 shall be added to the term of imprisonment imposed by the
16 court. A violation of subsection (a)(10) is a Class X
17 felony for which 25 years or up to a term of natural life
18 imprisonment shall be added to the term of imprisonment
19 imposed by the court.

20 (2) A person who is convicted of a second or
21 subsequent offense of aggravated criminal sexual assault,
22 or who is convicted of the offense of aggravated criminal
23 sexual assault after having previously been convicted of
24 the offense of criminal sexual assault or the offense of
25 predatory criminal sexual assault of a child, or who is
26 convicted of the offense of aggravated criminal sexual
27 assault after having previously been convicted under the
28 laws of this or any other state of an offense that is
29 substantially equivalent to the offense of criminal
30 sexual assault, the offense of aggravated criminal sexual
31 assault or the offense of predatory criminal sexual
32 assault of a child, shall be sentenced to a term of
33 natural life imprisonment. The commission of the second
34 or subsequent offense is required to have been after the

1 initial conviction for this paragraph (2) to apply.

2 (Source: P.A. 91-404, eff. 1-1-00; 92-434, eff. 1-1-02.)

3 (720 ILCS 5/26-1) (from Ch. 38, par. 26-1)

4 Sec. 26-1. Elements of the Offense.

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

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

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

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

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

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

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

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

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

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

1 public; or

2 (12) Calls the number "911" for the purpose of
3 making or transmitting a false alarm or complaint and
4 reporting information when, at the time the call or
5 transmission is made, the person knows there is no
6 reasonable ground for making the call or transmission and
7 further knows that the call or transmission could result
8 in the emergency response of any public safety agency.

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

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

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

1 This subsection does not apply when the court imposes a
2 sentence of incarceration.

3 (Source: P.A. 90-456, eff. 1-1-98; 91-115, eff. 1-1-00;
4 91-121, eff. 7-15-99; 92-16, eff. 6-28-01.)

5 Section 15. The Code of Criminal Procedure of 1963 is
6 amended by re-enacting Section 108-8 as follows:

7 (725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

8 Sec. 108-8. Use of force in execution of search warrant.

9 (a) All necessary and reasonable force may be used to
10 effect an entry into any building or property or part thereof
11 to execute a search warrant.

12 (b) The court issuing a warrant may authorize the
13 officer executing the warrant to make entry without first
14 knocking and announcing his or her office if it finds, based
15 upon a showing of specific facts, the existence of the
16 following exigent circumstances:

17 (1) That the officer reasonably believes that if
18 notice were given a weapon would be used:

19 (i) against the officer executing the search
20 warrant; or

21 (ii) against another person.

22 (2) That if notice were given there is an imminent
23 "danger" that evidence will be destroyed.

24 (Source: P.A. 90-456, eff. 1-1-98.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.