

1 AN ACT to re-enact a portion of Public Act 90-456,
2 relating to criminal law.

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

5 Section 1. Findings; validation.

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

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

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

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 as follows:

21 (720 ILCS 5/26-1) (from Ch. 38, par. 26-1)

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

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

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

28 (2) Transmits or causes to be transmitted in any
29 manner to the fire department of any city, town, village
30 or fire protection district a false alarm of fire,

1 knowing at the time of such transmission that there is no
2 reasonable ground for believing that such fire exists; or

3 (3) Transmits or causes to be transmitted in any
4 manner to another a false alarm to the effect that a bomb
5 or other explosive of any nature or a container holding
6 poison gas, a deadly biological or chemical contaminant,
7 or radioactive substance is concealed in such place that
8 its explosion or release would endanger human life,
9 knowing at the time of such transmission that there is no
10 reasonable ground for believing that such bomb, explosive
11 or a container holding poison gas, a deadly biological or
12 chemical contaminant, or radioactive substance is
13 concealed in such place; or

14 (4) Transmits or causes to be transmitted in any
15 manner to any peace officer, public officer or public
16 employee a report to the effect that an offense will be
17 committed, is being committed, or has been committed,
18 knowing at the time of such transmission that there is no
19 reasonable ground for believing that such an offense will
20 be committed, is being committed, or has been committed;
21 or

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

26 (6) While acting as a collection agency as defined
27 in the "Collection Agency Act" or as an employee of such
28 collection agency, and while attempting to collect an
29 alleged debt, makes a telephone call to the alleged
30 debtor which is designed to harass, annoy or intimidate
31 the alleged debtor; or

32 (7) Transmits or causes to be transmitted a false
33 report to the Department of Children and Family Services
34 under Section 4 of the "Abused and Neglected Child

1 Reporting Act"; or

2 (8) Transmits or causes to be transmitted a false
3 report to the Department of Public Health under the
4 Nursing Home Care Act; or

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

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

18 (11) Transmits or causes to be transmitted a false
19 report to any public safety agency without the reasonable
20 grounds necessary to believe that transmitting such a
21 report is necessary for the safety and welfare of the
22 public; or

23 (12) Calls the number "911" for the purpose of
24 making or transmitting a false alarm or complaint and
25 reporting information when, at the time the call or
26 transmission is made, the person knows there is no
27 reasonable ground for making the call or transmission and
28 further knows that the call or transmission could result
29 in the emergency response of any public safety agency.

30 (b) Sentence. A violation of subsection (a)(1) of
31 this Section is a Class C misdemeanor. A violation of
32 subsection (a)(5), (a)(7), (a)(11), or (a)(12) of this
33 Section is a Class A misdemeanor. A violation of subsection
34 (a)(8) or (a)(10) of this Section is a Class B misdemeanor.

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

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

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

22 This subsection does not apply when the court imposes a
23 sentence of incarceration.

24 (Source: P.A. 90-456, eff. 1-1-98; 91-115, eff. 1-1-00;
25 91-121, eff. 7-15-99; 92-16, eff. 6-28-01.)

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

28 (725 ILCS 5/108-8) (from Ch. 38, par. 108-8)

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

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

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

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

8 (i) against the officer executing the search
9 warrant; or

10 (ii) against another person.

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

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

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.