

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

18 (3) Transmits or causes to be transmitted in any manner  
19 to another a false alarm to the effect that a bomb or other  
20 explosive of any nature or a container holding poison gas,  
21 a deadly biological or chemical contaminant, or  
22 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 function,  
10 or school event, whether or not school is in session;

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

18 (5) 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 the report  
21 is necessary for the safety and welfare of the public; or

22 (6) Calls the number "911" or transmits or causes to be  
23 transmitted in any manner for the purpose of making or  
24 transmitting a false alarm or complaint and reporting  
25 information when, at the time the call or transmission is  
26 made, the person knows there is no reasonable ground for

1 making the call or transmission and further knows that the  
2 call or transmission could result in the emergency response  
3 of any public safety agency;

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

8 (8) Transmits or causes to be transmitted a false  
9 report to the Department of Public Health under the Nursing  
10 Home Care Act, the Specialized Mental Health  
11 Rehabilitation Act of 2013, the ID/DD Community Care Act,  
12 or the MC/DD Act;

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

21 (10) Transmits or causes to be transmitted a false  
22 report under Article II of Public Act 83-1432;

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

26 (12) While acting as a collection agency as defined in

1 the Collection Agency Act or as an employee of the  
2 collection agency, and while attempting to collect an  
3 alleged debt, makes a telephone call to the alleged debtor  
4 which is designed to harass, annoy or intimidate the  
5 alleged debtor.

6 (b) Sentence. A violation of subsection (a)(1) of this  
7 Section is a Class C misdemeanor. A violation of subsection  
8 (a)(5) or (a)(11) of this Section is a Class A misdemeanor. A  
9 violation of subsection (a)(8) or (a)(10) of this Section is a  
10 Class B misdemeanor. A violation of subsection (a)(2),  
11 (a)(3.5), (a)(4), (a)(6), (a)(7), or (a)(9) of this Section is  
12 a Class 4 felony. A violation of subsection (a)(3) of this  
13 Section is a Class 3 felony, for which a fine of not less than  
14 \$3,000 and no more than \$10,000 shall be assessed in addition  
15 to any other penalty imposed.

16 A violation of subsection (a)(12) of this Section is a  
17 Business Offense and shall be punished by a fine not to exceed  
18 \$3,000. A second or subsequent violation of subsection (a)(7)  
19 or (a)(5) of this Section is a Class 4 felony. A third or  
20 subsequent violation of subsection (a)(11) of this Section is a  
21 Class 4 felony.

22 (c) In addition to any other sentence that may be imposed,  
23 a court shall order any person convicted of disorderly conduct  
24 to perform community service for not less than 30 and not more  
25 than 120 hours, if community service is available in the  
26 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 (d) In addition to any other sentence that may be imposed,  
8 the court shall order any person convicted of disorderly  
9 conduct that requires an emergency response to ~~under paragraph~~  
10 ~~(3) of subsection (a) involving a false alarm of a threat that~~  
11 ~~a bomb or explosive device has been placed in~~ a school to  
12 reimburse the unit of government that employs the emergency  
13 response officer or officers that were dispatched to the school  
14 for the cost of the response ~~search for a bomb or explosive~~  
15 ~~device~~.

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

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

1 vehicle, any condition that jeopardizes or could jeopardize  
2 public safety and results in, or could result in, the  
3 evacuation of any area, building, structure, vehicle, or of any  
4 other place that any person may enter, or any incident  
5 requiring a response by a police officer, a firefighter, a  
6 State Fire Marshal employee, or an ambulance.

7 (Source: P.A. 98-104, eff. 7-22-13; 99-160, eff. 1-1-16;  
8 99-180, eff. 7-29-15; 99-642, eff. 7-28-16.)

9 Section 10. The Code of Criminal Procedure of 1963 is  
10 amended by changing Section 107-6 as follows:

11 (725 ILCS 5/107-6) (from Ch. 38, par. 107-6)

12 Sec. 107-6. Release by officer of person arrested; mental  
13 health evaluation.

14 (a) In this Section, "qualified examiner" has the meaning  
15 provided in Section 1-122 of the Mental Health and  
16 Developmental Disabilities Code.

17 (b) A peace officer who arrests a person without a warrant  
18 is authorized to release the person without requiring him or  
19 her to appear before a court when the officer is satisfied that  
20 there are no grounds for criminal complaint against the person  
21 arrested.

22 (c) To assist a peace officer in making the determination  
23 to release a person under subsection (b) of this Section or  
24 with respect to release of a person after detention by the

1 officer without an arrest, if the officer has reasonable  
2 grounds to believe the person made a threat of violence, death,  
3 or bodily harm against a person, school, school function, or  
4 school event, the officer may seek to obtain a mental health  
5 evaluation of the person by a physician, clinical psychologist,  
6 or qualified examiner, whether employed by the State, by any  
7 public or private mental health facility or part of the  
8 facility, or by any public or private medical facility or part  
9 of the facility.

10 (Source: Laws 1963, p. 2836.)