



Sen. Bill Cunningham

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1 AMENDMENT TO SENATE BILL 563

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 563 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Department of State Police Law of the Civil  
5 Administrative Code of Illinois is amended by adding Section  
6 2605-54-5 as follows:

7 (20 ILCS 2605/2605-54-5 new)

8 Sec. 2605-54-5. Training policy; persons who pose a clear  
9 and present danger. The Department shall adopt a policy and  
10 provide training to State Police officers concerning persons  
11 who are believed to pose a clear and present danger to himself,  
12 herself, or to others as defined in Section 1.1 of the Firearm  
13 Owners Identification Card Act. The policy and training shall  
14 include, but not be limited to, procedures for taking a person  
15 who the officer reasonably believes poses a clear and present  
16 danger to himself, herself, or to others to a hospital or

1 mental health facility for a mental evaluation by a physician,  
2 psychiatrist, clinical psychologist, or qualified examiner.  
3 The policy and training shall also include procedures in which  
4 the officer may take a person who has made a threat of violence  
5 against a school or school event who the officer reasonably  
6 believes poses a clear and present danger to himself, herself,  
7 or to others to a hospital or mental health facility for a  
8 mental evaluation by a physician, psychiatrist, clinical  
9 psychologist, or qualified examiner.

10 Section 10. The Illinois Police Training Act is amended by  
11 adding Section 10.17-2 as follows:

12 (50 ILCS 705/10.17-2 new)

13 Sec. 10.17-2. Training policy; persons who pose a clear and  
14 present danger. The Board shall create a model policy to train  
15 law enforcement officers and provide training to law  
16 enforcement officers concerning persons who are believed to  
17 pose a clear and present danger to himself, herself, or to  
18 others as defined in Section 1.1 of the Firearm Owners  
19 Identification Card Act. The policy and training shall include,  
20 but not be limited to, procedures for taking a person who the  
21 officer reasonably believes poses a clear and present danger to  
22 himself, herself, or to others to a hospital or mental health  
23 facility for a mental evaluation by a physician, psychiatrist,  
24 clinical psychologist, or qualified examiner. The policy and

1 training shall also include procedures in which the officer may  
2 take a person who has made a threat of violence against a  
3 school or school event who the officer reasonably believes  
4 poses a clear and present danger to himself, herself, or to  
5 others to a hospital or mental health facility for a mental  
6 evaluation by a physician, psychiatrist, clinical  
7 psychologist, or qualified examiner.

8 Section 15. The Criminal Code of 2012 is amended by  
9 changing Section 26-1 as follows:

10 (720 ILCS 5/26-1) (from Ch. 38, par. 26-1)

11 Sec. 26-1. Disorderly conduct.

12 (a) A person commits disorderly conduct when he or she  
13 knowingly:

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

17 (2) Transmits or causes to be transmitted in any manner  
18 to the fire department of any city, town, village or fire  
19 protection district a false alarm of fire, knowing at the  
20 time of the transmission that there is no reasonable ground  
21 for believing that the fire exists;

22 (3) Transmits or causes to be transmitted in any manner  
23 to another a false alarm to the effect that a bomb or other  
24 explosive of any nature or a container holding poison gas,

1 a deadly biological or chemical contaminant, or  
2 radioactive substance is concealed in a place where its  
3 explosion or release would endanger human life, knowing at  
4 the time of the transmission that there is no reasonable  
5 ground for believing that the bomb, explosive or a  
6 container holding poison gas, a deadly biological or  
7 chemical contaminant, or radioactive substance is  
8 concealed in the place;

9 (3.5) Transmits or causes to be transmitted in any  
10 manner a threat of destruction of a school building or  
11 school property, or a threat of violence, death, or bodily  
12 harm directed against persons at a school, school function,  
13 or school event, whether or not school is in session;

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

21 (5) Transmits or causes to be transmitted a false  
22 report to any public safety agency without the reasonable  
23 grounds necessary to believe that transmitting the report  
24 is necessary for the safety and welfare of the public; or

25 (6) Calls the number "911" or transmits or causes to be  
26 transmitted in any manner for the purpose of making or

1 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;

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

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

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

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

26 (11) Enters upon the property of another and for a lewd

1 or unlawful purpose deliberately looks into a dwelling on  
2 the property through any window or other opening in it; or

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

9 (b) Sentence. A violation of subsection (a)(1) of this  
10 Section is a Class C misdemeanor. A violation of subsection  
11 (a)(5) or (a)(11) of this Section is a Class A misdemeanor. A  
12 violation of subsection (a)(8) or (a)(10) of this Section is a  
13 Class B misdemeanor. A violation of subsection (a)(2),  
14 (a)(3.5), (a)(4), (a)(6), (a)(7), or (a)(9) of this Section is  
15 a Class 4 felony. A violation of subsection (a)(3) of this  
16 Section is a Class 3 felony, for which a fine of not less than  
17 \$3,000 and no more than \$10,000 shall be assessed in addition  
18 to any other penalty imposed.

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

25 (c) In addition to any other sentence that may be imposed,  
26 a court shall order any person convicted of disorderly conduct

1 to perform community service for not less than 30 and not more  
2 than 120 hours, if community service is available in the  
3 jurisdiction and is funded and approved by the county board of  
4 the county where the offense was committed. In addition,  
5 whenever any person is placed on supervision for an alleged  
6 offense under this Section, the supervision shall be  
7 conditioned upon the performance of the community service.

8 This subsection does not apply when the court imposes a  
9 sentence of incarceration.

10 (d) In addition to any other sentence that may be imposed,  
11 the court shall order any person convicted of disorderly  
12 conduct that requires an emergency response to ~~under paragraph~~  
13 ~~(3) of subsection (a) involving a false alarm of a threat that~~  
14 ~~a bomb or explosive device has been placed in a school to~~  
15 reimburse the unit of government that employs the emergency  
16 response officer or officers that were dispatched to the school  
17 for the cost of the response ~~search for a bomb or explosive~~  
18 ~~device~~.

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

1 (f) For the purposes of this Section, "emergency response"  
2 means any condition that results in, or could result in, the  
3 response of a public official in an authorized emergency  
4 vehicle, any condition that jeopardizes or could jeopardize  
5 public safety and results in, or could result in, the  
6 evacuation of any area, building, structure, vehicle, or of any  
7 other place that any person may enter, or any incident  
8 requiring a response by a police officer, a firefighter, a  
9 State Fire Marshal employee, or an ambulance.

10 (Source: P.A. 98-104, eff. 7-22-13; 99-160, eff. 1-1-16;  
11 99-180, eff. 7-29-15; 99-642, eff. 7-28-16.)

12 Section 20. The Code of Criminal Procedure of 1963 is  
13 amended by changing Section 107-6 as follows:

14 (725 ILCS 5/107-6) (from Ch. 38, par. 107-6)

15 Sec. 107-6. Release by officer of person arrested; mental  
16 health evaluation.

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

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



1       (c) To assist a peace officer in making the determination  
2 to release a person under subsection (b) of this Section or  
3 with respect to release of a person after detention by the  
4 officer without an arrest, if the officer has reasonable  
5 grounds to believe the person made a threat of violence, death,  
6 or bodily harm against a person, school, school function, or  
7 school event, the officer may seek to obtain a mental health  
8 evaluation of the person by a physician, clinical psychologist,  
9 or qualified examiner, whether employed by the State, by any  
10 public or private mental health facility or part of the  
11 facility, or by any public or private medical facility or part  
12 of the facility.

13 (Source: Laws 1963, p. 2836.)".