



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5803

by Rep. Monica Bristow

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-0.1  
720 ILCS 5/12-6  
720 ILCS 5/12-6.2

from Ch. 38, par. 12-6

Amends the Criminal Code of 2012 concerning the offenses of intimidation and aggravated intimidation. Provides that a person also commits intimidation when, with intent to cause another to perform or to omit the performance of any act, he or she communicates to another, directly or indirectly by any means, a threat to cause the person to falsify, amend, or withdraw a report of his or her abuse. Provides that a person commits aggravated intimidation when he or she commits intimidation by causing a person 60 years of age or older or known to be a person with a disability to falsify, amend, or withdraw a report of his or her abuse. Provides that aggravated intimidation under these circumstances is a Class 2 felony for which the offender may be sentenced to a term of imprisonment of not less than 3 years nor more than 14 years. Defines "abuse" and "person with a disability".

LRB100 18190 MRW 36011 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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 Sections 12-0.1, 12-6 and 12-6.2 as follows:

6 (720 ILCS 5/12-0.1)

7 Sec. 12-0.1. Definitions. In this Article, unless the  
8 context clearly requires otherwise:

9 "Abuse" means causing any physical, mental, or sexual  
10 injury to a person, including exploitation of that person's  
11 financial resources.

12 "Bona fide labor dispute" means any controversy concerning  
13 wages, salaries, hours, working conditions, or benefits,  
14 including health and welfare, sick leave, insurance, and  
15 pension or retirement provisions, the making or maintaining of  
16 collective bargaining agreements, and the terms to be included  
17 in those agreements.

18 "Coach" means a person recognized as a coach by the  
19 sanctioning authority that conducts an athletic contest.

20 "Correctional institution employee" means a person  
21 employed by a penal institution.

22 "Emergency medical services personnel" has the meaning  
23 specified in Section 3.5 of the Emergency Medical Services

1 (EMS) Systems Act and shall include all ambulance crew members,  
2 including drivers or pilots.

3 "Family or household members" include spouses, former  
4 spouses, parents, children, stepchildren, and other persons  
5 related by blood or by present or prior marriage, persons who  
6 share or formerly shared a common dwelling, persons who have or  
7 allegedly have a child in common, persons who share or  
8 allegedly share a blood relationship through a child, persons  
9 who have or have had a dating or engagement relationship,  
10 persons with disabilities and their personal assistants, and  
11 caregivers as defined in Section 12-4.4a of this Code. For  
12 purposes of this Article, neither a casual acquaintanceship nor  
13 ordinary fraternization between 2 individuals in business or  
14 social contexts shall be deemed to constitute a dating  
15 relationship.

16 "In the presence of a child" means in the physical presence  
17 of a child or knowing or having reason to know that a child is  
18 present and may see or hear an act constituting an offense.

19 "Park district employee" means a supervisor, director,  
20 instructor, or other person employed by a park district.

21 "Person with a disability" means a person with a physical  
22 disability or mental impairment, resulting from disease,  
23 injury, functional disorder, or congenital condition, which  
24 renders the person incapable of adequately providing for his or  
25 her own health and personal care.

26 "Person with a physical disability" means a person who

1 suffers from a permanent and disabling physical  
2 characteristic, resulting from disease, injury, functional  
3 disorder, or congenital condition.

4 "Private security officer" means a registered employee of a  
5 private security contractor agency under the Private  
6 Detective, Private Alarm, Private Security, Fingerprint  
7 Vendor, and Locksmith Act of 2004.

8 "Probation officer" means a person as defined in the  
9 Probation and Probation Officers Act.

10 "Sports official" means a person at an athletic contest who  
11 enforces the rules of the contest, such as an umpire or  
12 referee.

13 "Sports venue" means a publicly or privately owned sports  
14 or entertainment arena, stadium, community or convention hall,  
15 special event center, or amusement facility, or a special event  
16 center in a public park, during the 12 hours before or after  
17 the sanctioned sporting event.

18 "Streetgang", "streetgang member", and "criminal street  
19 gang" have the meanings ascribed to those terms in Section 10  
20 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

21 "Transit employee" means a driver, operator, or employee of  
22 any transportation facility or system engaged in the business  
23 of transporting the public for hire.

24 "Transit passenger" means a passenger of any  
25 transportation facility or system engaged in the business of  
26 transporting the public for hire, including a passenger using

1 any area designated by a transportation facility or system as a  
2 vehicle boarding, departure, or transfer location.

3 "Utility worker" means any of the following:

4 (1) A person employed by a public utility as defined in  
5 Section 3-105 of the Public Utilities Act.

6 (2) An employee of a municipally owned utility.

7 (3) An employee of a cable television company.

8 (4) An employee of an electric cooperative as defined  
9 in Section 3-119 of the Public Utilities Act.

10 (5) An independent contractor or an employee of an  
11 independent contractor working on behalf of a cable  
12 television company, public utility, municipally owned  
13 utility, or electric cooperative.

14 (6) An employee of a telecommunications carrier as  
15 defined in Section 13-202 of the Public Utilities Act, or  
16 an independent contractor or an employee of an independent  
17 contractor working on behalf of a telecommunications  
18 carrier.

19 (7) An employee of a telephone or telecommunications  
20 cooperative as defined in Section 13-212 of the Public  
21 Utilities Act, or an independent contractor or an employee  
22 of an independent contractor working on behalf of a  
23 telephone or telecommunications cooperative.

24 (Source: P.A. 99-143, eff. 7-27-15; 99-816, eff. 8-15-16.)

25 (720 ILCS 5/12-6) (from Ch. 38, par. 12-6)

1           Sec. 12-6. Intimidation.

2           (a) A person commits intimidation when, with intent to  
3 cause another to perform or to omit the performance of any act,  
4 he or she communicates to another, directly or indirectly by  
5 any means, a threat to perform without lawful authority any of  
6 the following acts:

7           (1) Inflict physical harm on the person threatened or  
8 any other person or on property; or

9           (2) Subject any person to physical confinement or  
10 restraint; or

11           (3) Commit a felony or Class A misdemeanor; or

12           (4) Accuse any person of an offense; or

13           (5) Expose any person to hatred, contempt or ridicule;  
14 or

15           (6) Take action as a public official against anyone or  
16 anything, or withhold official action, or cause such action  
17 or withholding; or

18           (7) Bring about or continue a strike, boycott or other  
19 collective action; ~~or~~

20           (8) Cause a person to falsify, amend, or withdraw a  
21 report of his or her abuse.

22           (b) Sentence.

23           Intimidation is a Class 3 felony for which an offender may  
24 be sentenced to a term of imprisonment of not less than 2 years  
25 and not more than 10 years.

26           (Source: P.A. 96-1551, eff. 7-1-11.)

1 (720 ILCS 5/12-6.2)

2 Sec. 12-6.2. Aggravated intimidation.

3 (a) A person commits aggravated intimidation when he or she  
4 commits intimidation and:

5 (1) the person committed the offense in furtherance of  
6 the activities of an organized gang or because of the  
7 person's membership in or allegiance to an organized gang;  
8 or

9 (2) the offense is committed with the intent to prevent  
10 any person from becoming a community policing volunteer; or

11 (3) the following conditions are met:

12 (A) the person knew that the victim was a peace  
13 officer, a correctional institution employee, a  
14 fireman, a community policing volunteer, or a civilian  
15 reporting information regarding a forcible felony to a  
16 law enforcement agency; and

17 (B) the offense was committed:

18 (i) while the victim was engaged in the  
19 execution of his or her official duties; or

20 (ii) to prevent the victim from performing his  
21 or her official duties;

22 (iii) in retaliation for the victim's  
23 performance of his or her official duties;

24 (iv) by reason of any person's activity as a  
25 community policing volunteer; or

1                   (v) because the person reported information  
2                   regarding a forcible felony to a law enforcement  
3                   agency.

4                   (a-5) A person commits aggravated intimidation when he or  
5                   she commits intimidation under paragraph (8) of subsection (a)  
6                   of Section 12-6 and the person knew that the victim was 60  
7                   years of age or older or knew that the person was a person with  
8                   a disability.

9                   (b) Sentence. Aggravated intimidation as defined in  
10                  paragraph (a) (1) is a Class 1 felony. Aggravated intimidation  
11                  as defined in paragraph (a) (2), ~~or~~ (a) (3), or (a-5) is a Class  
12                  2 felony for which the offender may be sentenced to a term of  
13                  imprisonment of not less than 3 years nor more than 14 years.

14                  (c) (Blank).

15                  (Source: P.A. 96-1551, eff. 7-1-11; 97-162, eff. 1-1-12;  
16                  97-1109, eff. 1-1-13.)