



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4563

Introduced 1/21/2022, by Rep. Andrew S. Chesney

SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-1

from Ch. 38, par. 26-1

Amends the Criminal Code of 2012. Provides that a person commits disorderly conduct when he or she knowingly transmits or causes to be transmitted in any manner to any peace officer, public officer, or public employee a report to the effect that a hate crime will be committed, is being committed, or has been committed, knowing at the time of the transmission that there is no reasonable ground for believing that the offense will be committed, is being committed, or has been committed. Establishes penalties.

LRB102 22829 RLC 31979 b

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

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

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

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

24 (6) Calls the number "911" or transmits or causes to
25 be transmitted in any manner to a public safety agency for
26 the purpose of making or transmitting a false alarm or

1 complaint and reporting information when, at the time the
2 call or transmission is made, the person knows there is no
3 reasonable ground for making the call or transmission and
4 further knows that the call or transmission could result
5 in the emergency response of any public safety agency;

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

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

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

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

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

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

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

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

17 (b) Sentence. A violation of subsection (a)(1) of this
18 Section is a Class C misdemeanor. A violation of subsection
19 (a)(5) or (a)(11) of this Section is a Class A misdemeanor. A
20 violation of subsection (a)(8) or (a)(10) of this Section is a
21 Class B misdemeanor. A violation of subsection (a)(2),
22 (a)(3.5), (a)(4), (a)(6), (a)(7), or (a)(9) of this Section is
23 a Class 4 felony. A violation of subsection (a)(3) of this
24 Section is a Class 3 felony, for which a fine of not less than
25 \$3,000 and no more than \$10,000 shall be assessed in addition
26 to any other penalty imposed.

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

7 (b-5) A violation of subsection (a)(13) of this Section is
8 a Class 2 felony for the first offense and a Class 1 felony for
9 a second or subsequent offense if committed:

10 (1) in, or upon the exterior or grounds of, a church,
11 synagogue, mosque, or other building, structure, or place
12 identified or associated with a particular religion or
13 used for religious worship or other religious purpose;

14 (2) in a cemetery, mortuary, or other facility used
15 for the purpose of burial or memorializing the dead;

16 (3) in a school or other educational facility,
17 including an administrative facility or public or private
18 dormitory facility of or associated with the school or
19 other educational facility;

20 (4) in a public park or an ethnic or religious
21 community center;

22 (5) on the real property comprising any location
23 specified in paragraphs (1) through (4) of this subsection
24 (b-5); or

25 (6) on a public way within 1,000 feet of the real
26 property comprising any location specified in paragraphs

1 (1) through (4) of this subsection (b-5).

2 (c) In addition to any other sentence that may be imposed,
3 a court shall order any person convicted of disorderly conduct
4 to perform community service for not less than 30 and not more
5 than 120 hours, if community service is available in the
6 jurisdiction and is funded and approved by the county board of
7 the county where the offense was committed. In addition,
8 whenever any person is placed on supervision for an alleged
9 offense under this Section, the supervision shall be
10 conditioned upon the performance of the community service.

11 This subsection does not apply when the court imposes a
12 sentence of incarceration.

13 (d) In addition to any other sentence that may be imposed,
14 the court shall order any person convicted of disorderly
15 conduct under paragraph (3) of subsection (a) involving a
16 false alarm of a threat that a bomb or explosive device has
17 been placed in a school that requires an emergency response to
18 reimburse the unit of government that employs the emergency
19 response officer or officers that were dispatched to the
20 school for the cost of the response. If the court determines
21 that the person convicted of disorderly conduct that requires
22 an emergency response to a school is indigent, the provisions
23 of this subsection (d) do not apply.

24 (e) In addition to any other sentence that may be imposed,
25 the court shall order any person convicted of disorderly
26 conduct under paragraph (3.5) or (6) of subsection (a) to

1 reimburse the public agency for the reasonable costs of the
2 emergency response by the public agency up to \$10,000. If the
3 court determines that the person convicted of disorderly
4 conduct under paragraph (3.5) or (6) of subsection (a) is
5 indigent, the provisions of this subsection (e) do not apply.

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

15 (Source: P.A. 101-238, eff. 1-1-20.)