



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB1017

Introduced 02/03/05, by Rep. Marlow H. Colvin

#### SYNOPSIS AS INTRODUCED:

50 ILCS 750/2.12	from Ch. 134, par. 32.12
50 ILCS 750/2.21 new	
50 ILCS 750/10.1	from Ch. 134, par. 40.1
50 ILCS 750/15.2	from Ch. 134, par. 45.2
50 ILCS 750/15.3	from Ch. 134, par. 45.3
720 ILCS 5/26-2	from Ch. 38, par. 26-2
50 ILCS 750/13 rep.	from Ch. 134, par. 43

Amends the Emergency Telephone System Act. Requires one network connection for each T-1 facility. Defines "high-speed channelized service". Provides no public agency or unit of local government shall be liable, except for wilful or wanton misconduct, in connection with placing out-going emergency calls. Adds high-speed channelized service to the types of service that require 5 surcharges per network. Adds to the Section describing the offense of interference with emergency communication a provision that states that any person who without lawful justification interrupts, prevents or otherwise interferes with a 9-1-1 call is subject to Section 26-2 of the Criminal Code (Class A misdemeanor). Amends the Criminal Code by amending the Section describing the offense of interference with emergency communication adding verbal or physical obstruction of a 9-1-1 call or prevention of an emergency communication to the offense. Adds definition of "report of a crime to a law enforcement agency" and "emergency communication" to the criminal offense. Makes the offense solely a Class A misdemeanor (now, Class A and B for different types of interference). Repeals Section 13 of the Emergency Telephone System Act. Effective immediately.

LRB094 07515 AJ0 37682 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning communications.

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

4 Section 5. The Emergency Telephone System Act is amended by  
5 changing Sections 2.12, 10.1, 15.2, and 15.3 and by adding  
6 Section 2.21 as follows:

7 (50 ILCS 750/2.12) (from Ch. 134, par. 32.12)

8 Sec. 2.12. (a) For the purposes of this Act, "network  
9 connections" means the number of voice grade communications  
10 channels directly between a subscriber and a  
11 telecommunications carrier's public switched network, without  
12 the intervention of any other telecommunications carrier's  
13 switched network, which would be required to carry the  
14 subscriber's inter-premises traffic and which connection  
15 either (1) is capable of providing access through the public  
16 switched network to a 9-1-1 Emergency Telephone System if one  
17 exists, or, (2) if no system exists at the time a surcharge is  
18 imposed under Section 15.3 which would be capable of providing  
19 access through the public switched network to the local 9-1-1  
20 Emergency Telephone System if one existed.

21 (b) For the purposes of this Act, no telecommunications  
22 carrier providing facilities-based local exchange  
23 telecommunications service prior to January 1, 1986 shall be  
24 required to offer or provide sophisticated 9-1-1 system  
25 features such as selective call routing in any area where that  
26 carrier's local switching facility does not have the capability  
27 to do so.

28 (c) For the purposes of this Act, "telecommunication  
29 carrier" does not include a cellular or other mobile  
30 communication carrier.

31 (d) Where multiple voice grade communication channels are  
32 connected to a telecommunication carrier's public switched

1 network through a private branch exchange service (PBX), there  
2 shall be determined to be one network connection for each trunk  
3 line capable of transporting either the subscriber's  
4 inter-premises traffic to the public switched network or the  
5 subscriber's 9-1-1 calls to the public agency. Where multiple  
6 voice grade communication channels are connected to a  
7 telecommunication carrier's public switched network through  
8 centrex type service, the number of network connections shall  
9 be equal to the number of PBX trunk equivalents for the  
10 subscriber's service, as determined by reference to any  
11 generally applicable exchange access service tariff filed by  
12 the subscriber's telecommunications carrier with the  
13 Commission. Where multiple voice grade communication channels  
14 are connected to a telecommunication carrier's public switched  
15 network through a high-speed channelized service, there shall  
16 be determined to be one network connection for each T-1  
17 facility capable of transporting either the subscriber's  
18 inter-premises traffic to the public switched network or the  
19 subscriber's 9-1-1 calls to the public agency. ~~This subsection~~  
20 ~~is not intended to make any change in the meaning of this~~  
21 ~~Section, but is intended to remove possible ambiguity, thereby~~  
22 ~~confirming the intent of paragraph (a) as it existed prior to~~  
23 ~~and following the effective date of this amendatory Act of~~  
24 ~~2002.~~

25 (Source: P.A. 92-557, eff. 1-1-03.)

26 (50 ILCS 750/2.21 new)

27 Sec. 2.21. High-speed channelized service. "High-speed  
28 channelized service" means any advanced telecommunications  
29 service system, such as, but not limited to, Digital Channel  
30 Service (DCS) or ISDN PRI that is provisioned through the use  
31 of T-1 facilities and that is capable of providing  
32 communications between internal stations and external  
33 networks.

34 (50 ILCS 750/10.1) (from Ch. 134, par. 40.1)

1           Sec. 10.1. Confidentiality.

2           (a) 9-1-1 information consisting of names, addresses and  
3 telephone numbers of telephone customers whose listings are not  
4 published in directories or listed in Directory Assistance  
5 Offices is confidential. Except as provided in subsection (b),  
6 information shall be provided on a call-by-call basis only for  
7 the purpose of responding to emergency calls. For the purposes  
8 of this subsection (a), "emergency" means a situation in which  
9 property or human life is in jeopardy and the prompt  
10 notification of the public safety agency is essential.

11           (b) 9-1-1 information, including information described in  
12 subsection (a), may be used by a public safety agency for the  
13 purpose of placing out-going emergency calls. No public agency,  
14 public safety agency, emergency telephone system board, or unit  
15 of local government assuming the duties of an emergency  
16 telephone system board or telecommunications carrier or  
17 supplier of a computerized warning system that utilizes  
18 automatic out-going call devices or other telecommunication or  
19 information service equipment and services to provide warnings  
20 of impending or threatened emergencies, and no officer, agent,  
21 or employee of any such public agency, public safety agency,  
22 emergency telephone system board, or unit of local government  
23 shall be liable for any civil damages as a result of any act or  
24 omission, except willful or wanton misconduct, in connection  
25 with placing out-going emergency calls.

26           (c) Nothing in this Section prohibits a municipality with a  
27 population of more than 500,000 from using 9-1-1 information,  
28 including information described in subsection (a), for the  
29 purpose of responding to calls made to a non-emergency  
30 telephone system that is under the supervision and control of a  
31 public safety agency and that shares all or some facilities  
32 with an emergency telephone system.

33           (d) Any public safety agency that uses 9-1-1 information  
34 for the purposes of subsection (b) must establish methods and  
35 procedures that ensure the confidentiality of information as  
36 required by subsection (a).

1 (e) Divulging confidential information in violation of  
2 this Section is a Class A misdemeanor.

3 (Source: P.A. 92-383, eff. 1-1-02.)

4 (50 ILCS 750/15.2) (from Ch. 134, par. 45.2)

5 Sec. 15.2. Criminal penalties.

6 (a) Any person calling the number "911" for the purpose of  
7 making a false alarm or complaint and reporting false  
8 information is subject to the provisions of Section 26-1 of the  
9 Criminal Code of 1961.

10 (b) Any person who knowingly and without lawful  
11 justification interrupts, verbally or physically obstructs,  
12 prevents, disrupts, impedes, or otherwise interferes with  
13 another person in making or completing a 9-1-1 call is subject  
14 to the provisions of Section 26-2 of the Criminal Code of 1961.

15 (Source: P.A. 92-502, eff. 12-19-01.)

16 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

17 Sec. 15.3. Surcharge.

18 (a) The corporate authorities of any municipality or any  
19 county may, subject to the limitations of subsections (c), (d),  
20 and (h), and in addition to any tax levied pursuant to the  
21 Simplified Municipal Telecommunications Tax Act, impose a  
22 monthly surcharge on billed subscribers of network connection  
23 provided by telecommunication carriers engaged in the business  
24 of transmitting messages by means of electricity originating  
25 within the corporate limits of the municipality or county  
26 imposing the surcharge at a rate per network connection  
27 determined in accordance with subsection (c). Provided,  
28 however, that where multiple voice grade communications  
29 channels are connected between the subscriber's premises and a  
30 public switched network through private branch exchange (PBX),  
31 high-speed channelized service, or centrex type service, a  
32 municipality imposing a surcharge at a rate per network  
33 connection, as determined in accordance with this Act, shall  
34 impose 5 such surcharges per network connection, as determined

1 in accordance with subsections (a) and (d) of Section 2.12 of  
2 this Act. For mobile telecommunications services, if a  
3 surcharge is imposed it shall be imposed based upon the  
4 municipality or county that encompasses the customer's place of  
5 primary use as defined in the Mobile Telecommunications  
6 Sourcing Conformity Act. A municipality may enter into an  
7 intergovernmental agreement with any county in which it is  
8 partially located, when the county has adopted an ordinance to  
9 impose a surcharge as provided in subsection (c), to include  
10 that portion of the municipality lying outside the county in  
11 that county's surcharge referendum. If the county's surcharge  
12 referendum is approved, the portion of the municipality  
13 identified in the intergovernmental agreement shall  
14 automatically be disconnected from the county in which it lies  
15 and connected to the county which approved the referendum for  
16 purposes of a surcharge on telecommunications carriers.

17 (b) For purposes of computing the surcharge imposed by  
18 subsection (a), the network connections to which the surcharge  
19 shall apply shall be those in-service network connections,  
20 other than those network connections assigned to the  
21 municipality or county, where the service address for each such  
22 network connection or connections is located within the  
23 corporate limits of the municipality or county levying the  
24 surcharge. Except for mobile telecommunication services, the  
25 "service address" shall mean the location of the primary use of  
26 the network connection or connections. For mobile  
27 telecommunication services, "service address" means the  
28 customer's place of primary use as defined in the Mobile  
29 Telecommunications Sourcing Conformity Act. With respect to  
30 network connections provided for use with pay telephone  
31 services for which there is no billed subscriber, the  
32 telecommunications carrier providing the network connection  
33 shall be deemed to be its own billed subscriber for purposes of  
34 applying the surcharge.

35 (c) Upon the passage of an ordinance to impose a surcharge  
36 under this Section the clerk of the municipality or county

1 shall certify the question of whether the surcharge may be  
 2 imposed to the proper election authority who shall submit the  
 3 public question to the electors of the municipality or county  
 4 in accordance with the general election law; provided that such  
 5 question shall not be submitted at a consolidated primary  
 6 election. The public question shall be in substantially the  
 7 following form:

8 -----

9        Shall the county (or city, village  
 10 or incorporated town) of ..... impose                    YES  
 11 a surcharge of up to ...¢ per month per  
 12 network connection, which surcharge will  
 13 be added to the monthly bill you receive -----  
 14 for telephone or telecommunications  
 15 charges, for the purpose of installing  
 16 (or improving) a 9-1-1 Emergency                    NO  
 17 Telephone System?

18 -----

19        If a majority of the votes cast upon the public question  
 20 are in favor thereof, the surcharge shall be imposed.

21        However, if a Joint Emergency Telephone System Board is to  
 22 be created pursuant to an intergovernmental agreement under  
 23 Section 15.4, the ordinance to impose the surcharge shall be  
 24 subject to the approval of a majority of the total number of  
 25 votes cast upon the public question by the electors of all of  
 26 the municipalities or counties, or combination thereof, that  
 27 are parties to the intergovernmental agreement.

28        The referendum requirement of this subsection (c) shall not  
 29 apply to any municipality with a population over 500,000 or to  
 30 any county in which a proposition as to whether a sophisticated  
 31 9-1-1 Emergency Telephone System should be installed in the  
 32 county, at a cost not to exceed a specified monthly amount per  
 33 network connection, has previously been approved by a majority  
 34 of the electors of the county voting on the proposition at an  
 35 election conducted before the effective date of this amendatory  
 36 Act of 1987.

1 (d) A county may not impose a surcharge, unless requested  
2 by a municipality, in any incorporated area which has  
3 previously approved a surcharge as provided in subsection (c)  
4 or in any incorporated area where the corporate authorities of  
5 the municipality have previously entered into a binding  
6 contract or letter of intent with a telecommunications carrier  
7 to provide sophisticated 9-1-1 service through municipal  
8 funds.

9 (e) A municipality or county may at any time by ordinance  
10 change the rate of the surcharge imposed under this Section if  
11 the new rate does not exceed the rate specified in the  
12 referendum held pursuant to subsection (c).

13 (f) The surcharge authorized by this Section shall be  
14 collected from the subscriber by the telecommunications  
15 carrier providing the subscriber the network connection as a  
16 separately stated item on the subscriber's bill.

17 (g) The amount of surcharge collected by the  
18 telecommunications carrier shall be paid to the particular  
19 municipality or county or Joint Emergency Telephone System  
20 Board not later than 30 days after the surcharge is collected,  
21 net of any network or other 9-1-1 or sophisticated 9-1-1 system  
22 charges then due the particular telecommunications carrier, as  
23 shown on an itemized bill. The telecommunications carrier  
24 collecting the surcharge shall also be entitled to deduct 3% of  
25 the gross amount of surcharge collected to reimburse the  
26 telecommunications carrier for the expense of accounting and  
27 collecting the surcharge.

28 (h) Except as expressly provided in subsection (a) of this  
29 Section, a municipality with a population over 500,000 may not  
30 impose a monthly surcharge in excess of \$1.25 per network  
31 connection.

32 (i) Any municipality or county or joint emergency telephone  
33 system board that has imposed a surcharge pursuant to this  
34 Section prior to the effective date of this amendatory Act of  
35 1990 shall hereafter impose the surcharge in accordance with  
36 subsection (b) of this Section.



1 (j) The corporate authorities of any municipality or county  
2 may issue, in accordance with Illinois law, bonds, notes or  
3 other obligations secured in whole or in part by the proceeds  
4 of the surcharge described in this Section. Notwithstanding any  
5 change in law subsequent to the issuance of any bonds, notes or  
6 other obligations secured by the surcharge, every municipality  
7 or county issuing such bonds, notes or other obligations shall  
8 be authorized to impose the surcharge as though the laws  
9 relating to the imposition of the surcharge in effect at the  
10 time of issuance of the bonds, notes or other obligations were  
11 in full force and effect until the bonds, notes or other  
12 obligations are paid in full. The State of Illinois pledges and  
13 agrees that it will not limit or alter the rights and powers  
14 vested in municipalities and counties by this Section to impose  
15 the surcharge so as to impair the terms of or affect the  
16 security for bonds, notes or other obligations secured in whole  
17 or in part with the proceeds of the surcharge described in this  
18 Section.

19 (k) Any surcharge collected by or imposed on a  
20 telecommunications carrier pursuant to this Section shall be  
21 held to be a special fund in trust for the municipality, county  
22 or Joint Emergency Telephone Board imposing the surcharge.  
23 Except for the 3% deduction provided in subsection (g) above,  
24 the special fund shall not be subject to the claims of  
25 creditors of the telecommunication carrier.

26 (Source: P.A. 92-474, eff. 8-1-02; 92-526, eff. 1-1-03; 92-557,  
27 eff. 1-1-03; revised 10-2-02.)

28 Section 10. The Criminal Code of 1961 is amended by  
29 changing Section 26-2 as follows:

30 (720 ILCS 5/26-2) (from Ch. 38, par. 26-2)

31 Sec. 26-2. Interference with emergency communication.

32 (a) A person commits the offense of interference with  
33 emergency communication when he or she knowingly  
34 ~~intentionally~~ and without lawful justification interrupts,

1 verbally or physically obstructs, prevents, disrupts, impedes,  
2 or otherwise interferes with the transmission of an emergency a  
3 communication ~~over a citizens band radio channel,~~ the purpose  
4 of which communication is to inform or inquire about an  
5 emergency.

6 (b) For the purpose of this Section, "emergency" means: (1)  
7 a condition or circumstance in which an individual is or is  
8 reasonably believed by the person transmitting the  
9 communication to be in imminent danger of serious bodily injury  
10 or in which property is or is reasonably believed by the person  
11 transmitting the communication to be in imminent danger of  
12 damage or destruction or (2) the report of a crime to a law  
13 enforcement agency; and "emergency communication" means a  
14 9-1-1 emergency telephone call, an emergency telephone call to  
15 another emergency number established by a public agency for  
16 making emergency calls, or an emergency communicated over a  
17 radio frequency.

18 (c) Sentence.

19 ~~(1) Interference with emergency communication is a~~  
20 ~~Class B misdemeanor, except as otherwise provided in~~  
21 ~~paragraph (2).~~

22 ~~(2) Interference with emergency communication, where~~  
23 ~~serious bodily injury or property loss in excess of \$1,000~~  
24 ~~results,~~ is a Class A misdemeanor.

25 (Source: P.A. 82-418.)

26 (50 ILCS 750/13 rep.) (from Ch. 134, par. 43)

27 Section 90. The Emergency Telephone System Act is amended  
28 by repealing Section 13.

29 Section 99. Effective date. This Act takes effect upon  
30 becoming law.