

HB0328



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0328

Introduced 1/22/2007, by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-9

from Ch. 38, par. 12-9

Amends the Criminal Code of 1961 concerning the offense of threatening a public official. Includes in the definition of "public official" a sworn law enforcement or peace officer.

LRB095 04435 RLC 24480 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 1961 is amended by changing
5 Section 12-9 as follows:

6 (720 ILCS 5/12-9) (from Ch. 38, par. 12-9)

7 Sec. 12-9. Threatening public officials.

8 (a) A person commits the offense of threatening a public
9 official when:

10 (1) that person knowingly and willfully delivers or
11 conveys, directly or indirectly, to a public official by
12 any means a communication:

13 (i) containing a threat that would place the public
14 official or a member of his or her immediate family in
15 reasonable apprehension of immediate or future bodily
16 harm, sexual assault, confinement, or restraint; or

17 (ii) containing a threat that would place the
18 public official or a member of his or her immediate
19 family in reasonable apprehension that damage will
20 occur to property in the custody, care, or control of
21 the public official or his or her immediate family; and

22 (2) the threat was conveyed because of the performance
23 or nonperformance of some public duty, because of hostility

1 of the person making the threat toward the status or
2 position of the public official, or because of any other
3 factor related to the official's public existence.

4 (b) For purposes of this Section:

5 (1) "Public official" means a person who is elected to
6 office in accordance with a statute or who is appointed to
7 an office which is established, and the qualifications and
8 duties of which are prescribed, by statute, to discharge a
9 public duty for the State or any of its political
10 subdivisions or in the case of an elective office any
11 person who has filed the required documents for nomination
12 or election to such office. "Public official" includes a
13 duly appointed assistant State's Attorney and a sworn law
14 enforcement or peace officer.

15 (2) "Immediate family" means a public official's
16 spouse or child or children.

17 (c) Threatening a public official is a Class 3 felony for a
18 first offense and a Class 2 felony for a second or subsequent
19 offense.

20 (Source: P.A. 91-335, eff. 1-1-00; 91-387, eff. 1-1-00; 92-16,
21 eff. 6-28-01.)