

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 26-1 as follows:

6 (720 ILCS 5/26-1) (from Ch. 38, par. 26-1)

7 Sec. 26-1. Elements of the Offense.

8 (a) A person commits disorderly conduct when he knowingly:

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

12 (2) Transmits or causes to be transmitted in any manner
13 to the fire department of any city, town, village or fire
14 protection district a false alarm of fire, knowing at the
15 time of such transmission that there is no reasonable
16 ground for believing that such fire exists; or

17 (3) Transmits or causes to be transmitted in any manner
18 to another a false alarm to the effect that a bomb or other
19 explosive of any nature or a container holding poison gas,
20 a deadly biological or chemical contaminant, or
21 radioactive substance is concealed in such place that its
22 explosion or release would endanger human life, knowing at
23 the time of such transmission that there is no reasonable

1 ground for believing that such bomb, explosive or a
2 container holding poison gas, a deadly biological or
3 chemical contaminant, or radioactive substance is
4 concealed in such place; or

5 (3.5) Transmits or causes to be transmitted in any
6 manner to another that the person or another person is
7 going to bring a firearm to school to shoot or otherwise
8 discharge the firearm at the school; it shall not be a
9 violation of this paragraph (3.5) if the person
10 transmitting the information does so with the intent to
11 report it to authorities in order to prevent an incident;
12 or

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

20 (5) Enters upon the property of another and for a lewd
21 or unlawful purpose deliberately looks into a dwelling on
22 the property through any window or other opening in it; or

23 (6) While acting as a collection agency as defined in
24 the "Collection Agency Act" or as an employee of such
25 collection agency, and while attempting to collect an
26 alleged debt, makes a telephone call to the alleged debtor

1 which is designed to harass, annoy or intimidate the
2 alleged debtor; or

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

7 (8) Transmits or causes to be transmitted a false
8 report to the Department of Public Health under the Nursing
9 Home Care Act; or

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

18 (10) Transmits or causes to be transmitted a false
19 report under Article II of "An Act in relation to victims
20 of violence and abuse", approved September 16, 1984, as
21 amended; or

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

1 (12) Calls the number "911" for the purpose of making
2 or transmitting a false alarm or complaint and reporting
3 information when, at the time the call or transmission is
4 made, the person knows there is no reasonable ground for
5 making the call or transmission and further knows that the
6 call or transmission could result in the emergency response
7 of any public safety agency.

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

21 A violation of subsection (a)(6) of this Section is a
22 Business Offense and shall be punished by a fine not to exceed
23 \$3,000. A second or subsequent violation of subsection (a)(7),
24 (a)(11), or (a)(12) of this Section is a Class 4 felony. A
25 third or subsequent violation of subsection (a)(5) of this
26 Section is a Class 4 felony.

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

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

12 (d) If a person commits either: (1) a violation of
13 subsection (a) (3) of this Section if the threat is to place a
14 bomb or other explosive of any nature or a container holding
15 poison gas, a deadly biological or chemical contaminant, or
16 radioactive substance at a school or (2) a violation of
17 subsection (a) (3.5) of this Section and in the case of either
18 (1) or (2) requires an emergency response, the person shall be
19 required to make restitution to all public entities involved in
20 the emergency response, to cover the reasonable cost of their
21 participation in the emergency response, including but not
22 limited to regular and overtime costs incurred by local law
23 enforcement agencies, schools, and private contractors paid by
24 the public agencies or schools in securing the school or
25 evacuating the school. The convicted person shall make this
26 restitution in addition to any other fine or penalty required

1 by law as provided in Section 5-5-6 of the Unified Code of
2 Corrections.

3 (e) In this Section, "school" means a public, private, or
4 parochial elementary or secondary school, community college,
5 college, or university and includes the grounds of a school.

6 (Source: P.A. 92-16, eff. 6-28-01; 92-502, eff. 12-19-01;
7 93-431, eff. 8-5-03.)