



Rep. Edward J. Acevedo

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09500HB2759ham001

LRB095 00962 RLC 51373 a

1 AMENDMENT TO HOUSE BILL 2759

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2759 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 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. 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

1           (3) Transmits or causes to be transmitted in any manner  
2 to another a false alarm to the effect that a bomb or other  
3 explosive of any nature or a container holding poison gas,  
4 a deadly biological or chemical contaminant, or  
5 radioactive substance is concealed in such place that its  
6 explosion or release would endanger human life, knowing at  
7 the time of such transmission that there is no reasonable  
8 ground for believing that such bomb, explosive or a  
9 container holding poison gas, a deadly biological or  
10 chemical contaminant, or radioactive substance is  
11 concealed in such place; or

12           (3.5) Transmits or causes to be transmitted in any  
13 manner to another that the person or another person is  
14 going to bring a firearm to school to shoot or otherwise  
15 discharge the firearm at the school; it shall not be a  
16 violation of this paragraph (3.5) if the person  
17 transmitting the information does so with the intent to  
18 report it to authorities in order to prevent an incident;  
19 or

20           (4) Transmits or causes to be transmitted in any manner  
21 to any peace officer, public officer or public employee a  
22 report to the effect that an offense will be committed, is  
23 being committed, or has been committed, knowing at the time  
24 of such transmission that there is no reasonable ground for  
25 believing that such an offense will be committed, is being  
26 committed, or has been committed; or

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

4           (6) While acting as a collection agency as defined in  
5 the "Collection Agency Act" or as an employee of such  
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          (7) Transmits or causes to be transmitted a false  
11 report to the Department of Children and Family Services  
12 under Section 4 of the "Abused and Neglected Child  
13 Reporting Act"; or

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

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

25          (10) Transmits or causes to be transmitted a false  
26 report under Article II of "An Act in relation to victims

1 of violence and abuse", approved September 16, 1984, as  
2 amended; or

3 (11) Transmits or causes to be transmitted a false  
4 report to any public safety agency without the reasonable  
5 grounds necessary to believe that transmitting such a  
6 report is necessary for the safety and welfare of the  
7 public; or

8 (12) Calls the number "911" for the purpose of making  
9 or transmitting a false alarm or complaint and reporting  
10 information when, at the time the call or transmission is  
11 made, the person knows there is no reasonable ground for  
12 making the call or transmission and further knows that the  
13 call or transmission could result in the emergency response  
14 of any public safety agency.

15 (b) Sentence. A violation of subsection (a)(1) of this  
16 Section is a Class C misdemeanor. A violation of subsection  
17 (a)(5), (a)(11), or (a)(12) of this Section is a Class A  
18 misdemeanor. A violation of subsection (a)(8) or (a)(10) of  
19 this Section is a Class B misdemeanor. A violation of  
20 subsection (a)(2), (a)(4), (a)(7), or (a)(9) of this Section is  
21 a Class 4 felony. A violation of subsection (a)(3) of this  
22 Section is a Class 3 felony, for which a fine of not less than  
23 \$3,000 and no more than \$10,000 shall be assessed in addition  
24 to any other penalty imposed. A violation of subsection (a)(3)  
25 of this Section is a Class 2 felony if the place referred to is  
26 a school. A violation of subsection (a)(3.5) of this Section is

1 a Class 2 felony.

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

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

17 This subsection does not apply when the court imposes a  
18 sentence of incarceration.

19 (d) If a person commits either: (1) a violation of  
20 subsection (a)(3) of this Section if the threat is to place a  
21 bomb or other explosive of any nature or a container holding  
22 poison gas, a deadly biological or chemical contaminant, or  
23 radioactive substance at a school or (2) a violation of  
24 subsection (a)(3.5) of this Section and in the case of either  
25 (1) or (2) requires an emergency response, the person shall be  
26 required to make restitution to all public entities involved in

1 the emergency response, to cover the reasonable cost of their  
2 participation in the emergency response, including but not  
3 limited to regular and overtime costs incurred by local law  
4 enforcement agencies, schools, and private contractors paid by  
5 the public agencies or schools in securing the school or  
6 evacuating the school. The convicted person shall make this  
7 restitution in addition to any other fine or penalty required  
8 by law as provided in Section 5-5-6 of the Unified Code of  
9 Corrections.

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

13 (Source: P.A. 92-16, eff. 6-28-01; 92-502, eff. 12-19-01;  
14 93-431, eff. 8-5-03.)".