



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB4564**

Introduced 1/18/2008, by Rep. Dan Brady

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-1

from Ch. 38, par. 26-1

Amends the Criminal Code of 1961. Provides that a person commits disorderly conduct when he or she knowingly possesses while on, brings onto, or causes to be brought onto school property, property in which a school sponsored activity or event is being conducted, or property in which any activity or event that bears a reasonable relationship to school is being conducted, any facsimile firearm. Defines "facsimile firearm" as any replica, toy, starter pistol, or other object that bears a reasonable resemblance or that reasonably can be perceived to be an actual firearm. Provides that a violation by a person under 13 years of age at the time of the commission of the offense is a petty offense. Provides that a second or subsequent violation by a person under 13 years of age at the time of the commission of the offense is a Class A misdemeanor.

LRB095 16088 RLC 42106 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 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 (4) Transmits or causes to be transmitted in any manner  
6 to any peace officer, public officer or public employee a  
7 report to the effect that an offense will be committed, is  
8 being committed, or has been committed, knowing at the time  
9 of such transmission that there is no reasonable ground for  
10 believing that such an offense will be committed, is being  
11 committed, or has been committed; or

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

15 (6) While acting as a collection agency as defined in  
16 the "Collection Agency Act" or as an employee of such  
17 collection agency, and while attempting to collect an  
18 alleged debt, makes a telephone call to the alleged debtor  
19 which is designed to harass, annoy or intimidate the  
20 alleged debtor; or

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

25 (8) Transmits or causes to be transmitted a false  
26 report to the Department of Public Health under the Nursing

1 Home Care Act; or

2 (9) Transmits or causes to be transmitted in any manner  
3 to the police department or fire department of any  
4 municipality or fire protection district, or any privately  
5 owned and operated ambulance service, a false request for  
6 an ambulance, emergency medical technician-ambulance or  
7 emergency medical technician-paramedic knowing at the time  
8 there is no reasonable ground for believing that such  
9 assistance is required; or

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

14 (11) Transmits or causes to be transmitted a false  
15 report to any public safety agency without the reasonable  
16 grounds necessary to believe that transmitting such a  
17 report is necessary for the safety and welfare of the  
18 public; or

19 (12) Calls the number "911" for the purpose of making  
20 or transmitting a false alarm or complaint and reporting  
21 information when, at the time the call or transmission is  
22 made, the person knows there is no reasonable ground for  
23 making the call or transmission and further knows that the  
24 call or transmission could result in the emergency response  
25 of any public safety agency; ~~or-~~

26 (13) Possesses while on, brings onto, or causes to be

1 brought onto school property, property in which a school  
2 sponsored activity or event is being conducted, or property  
3 in which any activity or event that bears a reasonable  
4 relationship to school is being conducted, any facsimile  
5 firearm. For the purposes of this Section, "facsimile  
6 firearm" means any replica, toy, starter pistol, or other  
7 object that bears a reasonable resemblance or that  
8 reasonably can be perceived to be an actual firearm; and  
9 "school property" includes any conveyance owned, leased,  
10 or contracted by a school to transport students to a school  
11 or a school related activity.

12 (b) Sentence. A violation of subsection (a)(1) of this  
13 Section is a Class C misdemeanor. A violation of subsection  
14 (a)(5), (a)(11), or (a)(12) of this Section is a Class A  
15 misdemeanor. A violation of subsection (a)(8) or (a)(10) of  
16 this Section is a Class B misdemeanor. A violation of  
17 subsection (a)(2), (a)(4), (a)(7), or (a)(9) of this Section is  
18 a Class 4 felony. A violation of subsection (a)(3) of this  
19 Section is a Class 3 felony, for which a fine of not less than  
20 \$3,000 and no more than \$10,000 shall be assessed in addition  
21 to any other penalty imposed. A violation of subsection (a)(13)  
22 of this Section is a Class A misdemeanor, except that a first  
23 violation by a person under 13 years of age at the time of the  
24 commission of the offense is a petty offense. A second or  
25 subsequent violation of subsection (a)(13) of this Section by a  
26 person under 13 years of age at the time of the commission of

1 the offense is a Class A misdemeanor.

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 (Source: P.A. 92-16, eff. 6-28-01; 92-502, eff. 12-19-01;  
20 93-431, eff. 8-5-03.)