

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.

26 (b) Sentence. A violation of subsection (a)(1) of this

1 Section is a Class C misdemeanor. A violation of subsection  
2 (a) (5), (a) (11), or (a) (12) of this Section is a Class A  
3 misdemeanor. A violation of subsection (a) (8) or (a) (10) of  
4 this Section is a Class B misdemeanor. A violation of  
5 subsection (a) (1) involving a threat of destruction of a school  
6 building or school property, or a threat of violence, death, or  
7 bodily harm directed toward persons at a school or school  
8 function or school event, whether or not school is in session,  
9 or a violation of subsection ~~A violation of subsection~~ (a) (2),  
10 (a) (4), (a) (7), or (a) (9) of this Section is a Class 4 felony.  
11 A violation of subsection (a) (3) of this Section is a Class 3  
12 felony, for which a fine of not less than \$3,000 and no more  
13 than \$10,000 shall be assessed in addition to any other penalty  
14 imposed.

15 A violation of subsection (a) (6) of this Section is a  
16 Business Offense and shall be punished by a fine not to exceed  
17 \$3,000. A second or subsequent violation of subsection (a) (7),  
18 (a) (11), or (a) (12) of this Section is a Class 4 felony. A  
19 third or subsequent violation of subsection (a) (5) of this  
20 Section is a Class 4 felony.

21 (c) In addition to any other sentence that may be imposed,  
22 a court shall order any person convicted of disorderly conduct  
23 to perform community service for not less than 30 and not more  
24 than 120 hours, if community service is available in the  
25 jurisdiction and is funded and approved by the county board of  
26 the county where the offense was committed. In addition,

1 whenever any person is placed on supervision for an alleged  
2 offense under this Section, the supervision shall be  
3 conditioned upon the performance of the community service.

4 This subsection does not apply when the court imposes a  
5 sentence of incarceration.

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

8 Section 10. The Harassing and Obscene Communications Act is  
9 amended by changing Section 2 as follows:

10 (720 ILCS 135/2) (from Ch. 134, par. 16.5)

11 (Text of Section after amendment by P.A. 95-984)

12 Sec. 2. Sentence.

13 (a) Except as provided in subsection (b), a person who  
14 violates any of the provisions of Section 1, 1-1, or 1-2 of  
15 this Act is guilty of a Class B misdemeanor. Except as provided  
16 in subsection (b), a second or subsequent violation of Section  
17 1, 1-1, or 1-2 of this Act is a Class A misdemeanor, for which  
18 the court shall impose a minimum of 14 days in jail or, if  
19 public or community service is established in the county in  
20 which the offender was convicted, 240 hours of public or  
21 community service.

22 (b) In any of the following circumstances, a person who  
23 violates Section 1, 1-1, or 1-2 of this Act shall be guilty of  
24 a Class 4 felony:

1           (1) The person has 3 or more prior violations in the  
2 last 10 years of harassment by telephone under Section 1-1  
3 of this Act, harassment through electronic communications  
4 under Section 1-2 of this Act, or any similar offense of  
5 any state;

6           (2) The person has previously violated the harassment  
7 by telephone provisions of Section 1-1 of this Act or the  
8 harassment through electronic communications provisions of  
9 Section 1-2 of this Act or committed any similar offense in  
10 any state with the same victim or a member of the victim's  
11 family or household;

12           (3) At the time of the offense, the offender was under  
13 conditions of bail, probation, mandatory supervised  
14 release or was the subject of an order of protection, in  
15 this or any other state, prohibiting contact with the  
16 victim or any member of the victim's family or household;

17           (4) In the course of the offense, the offender  
18 threatened to kill the victim or any member of the victim's  
19 family or household;

20           (5) The person has been convicted in the last 10 years  
21 of a forcible felony as defined in Section 2-8 of the  
22 Criminal Code of 1961;

23           (6) The person violates paragraph (4.1) of Section 1-1  
24 or paragraph (3.1) of subsection (a) of Section 1-2; ~~or~~

25           (7) The person was at least 18 years of age at the time  
26 of the commission of the offense and the victim was under

1 18 years of age at the time of the commission of the  
2 offense; or -

3 (8) The violation of Section 1, 1-1, or 1-2 involves a  
4 threat of destruction of a school building or school  
5 property, or a threat of violence or bodily harm directed  
6 toward persons at a school or school function or school  
7 event, whether or not school is in session.

8 (Source: P.A. 95-984, eff. 6-1-09.)