



Sen. Matt Murphy

Filed: 5/22/2009

09600HB1105sam001

LRB096 05844 RLC 27215 a

1 AMENDMENT TO HOUSE BILL 1105

2 AMENDMENT NO. _____. Amend House Bill 1105 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 (4) Transmits or causes to be transmitted in any manner
13 to any peace officer, public officer or public employee a
14 report to the effect that an offense will be committed, is
15 being committed, or has been committed, knowing at the time
16 of such transmission that there is no reasonable ground for
17 believing that such an offense will be committed, is being
18 committed, or has been committed; or

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

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

1 alleged debtor; or

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

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

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

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

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

26 (12) Calls the number "911" for the purpose of making

1 or transmitting a false alarm or complaint and reporting
2 information when, at the time the call or transmission is
3 made, the person knows there is no reasonable ground for
4 making the call or transmission and further knows that the
5 call or transmission could result in the emergency response
6 of any public safety agency; or -

7 (13) Transmits or causes to be transmitted a threat of
8 destruction of a school building or school property, or a
9 threat of violence, death, or bodily harm directed against
10 persons at a school, school function, or school event,
11 whether or not school is in session.

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), or (a)(13) of
18 this Section is a Class 4 felony. A violation of subsection
19 (a)(3) of this Section is a Class 3 felony, for which a fine of
20 not less than \$3,000 and no more than \$10,000 shall be assessed
21 in addition to any other penalty imposed.

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

1 Section is a Class 4 felony.

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

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

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