

1 AN ACT in relation to 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
5 adding Article 26A as follows:

6 (720 ILCS 5/Article 26A heading new)

7 ARTICLE 26A. FALSE REPORTS OF TERRORISM OR OTHER DANGER
8 AND FALSE REPORTS TO PUBLIC SAFETY AGENCIES

9 (720 ILCS 5/26A-5 new)

10 Sec. 26A-5. False reports of terrorism or other danger.

11 (a) A person commits the offense of making a false report
12 of terrorism or other danger when he or she knowingly:

13 (1) transmits or causes to be transmitted in any
14 manner to another a communication to the effect that:
15 (i) a bomb or other explosive of any nature or a
16 container holding poison gas, a deadly biological or
17 chemical contaminant, or a radioactive substance is
18 concealed in such place that its explosion or release
19 would endanger human life, knowing at the time of such
20 transmission that there is no reasonable ground for
21 believing that such bomb or explosive or container
22 holding poison gas, a deadly biological or chemical
23 contaminant, or a radioactive substance is concealed in
24 such place; or (ii) a terrorist act will be committed,
25 is being committed, or has been committed, knowing at
26 the time of such transmission that there is no reasonable
27 ground for believing that such act will be committed, is
28 being committed, or has been committed; or

29 (2) displays or places, or causes to be displayed
30 or placed, any device or object that by its design,

1 construction, content, or characteristics appears to be
 2 or to contain a bomb or explosive, or a container
 3 holding poison gas, a deadly biological or chemical
 4 contaminant, or a radioactive substance, but is, in fact,
 5 an inoperative facsimile or imitation of such a device or
 6 object and which he or she knows, intends, or reasonably
 7 believes will appear to be such a device or object.

8 (b) It is not a violation of this Section if the
 9 person's actions were part of a training exercise or drill
 10 conducted by or under the direction of any of the following:
 11 (1) the active or reserve military or naval forces of the
 12 United States; (2) the Illinois National Guard; (3) the
 13 Illinois State Police; (4) a municipal police department; or
 14 (5) a county sheriff.

15 (c) In this Section, "terrorist act" means a forcible
 16 felony that is intended, or by its nature appears to be
 17 intended, to intimidate or coerce a civilian population,
 18 influence the policy of a government by intimidation or
 19 coercion, or affect the conduct of government by
 20 assassination or kidnapping.

21 (d) Sentence. Making a false report of terrorism or
 22 other danger is a Class 2 felony.

23 (720 ILCS 5/26A-10 new)
 24 Sec. 26A-10. Making a false report to a public safety
 25 agency.

26 (a) A person commits the offense of making a false
 27 report to a public safety agency when he or she knowingly:

28 (1) Transmits or causes to be transmitted in any
 29 manner to the fire department of any municipality or
 30 to a fire protection district a false alarm of fire,
 31 knowing at the time of such transmission that
 32 there is no reasonable ground for believing that such
 33 fire exists; or

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

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

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

23 (5) Calls the number "911" for the purpose of
24 making or transmitting a false alarm or complaint and
25 reporting information when, at the time the call or
26 transmission is made, the person knows that there is no
27 reasonable ground for making the call or transmission and
28 further knows that the call or transmission could result
29 in the emergency response of any public safety agency.

30 (b) It is not a violation of this Section if the
31 person's actions were part of a training exercise or drill
32 conducted by or under the direction of any of the following:
33 (1) the active or reserve military or naval forces of the
34 United States; (2) the Illinois National Guard; (3) the

1 Illinois State Police; (4) a municipal police department; or
2 (5) a county sheriff.

3 (c) Sentence. A violation of subdivision (a)(1), (a)(2),
4 or (a)(3) of this Section is a Class 3 felony. A violation
5 of subdivision (a)(4) or (a)(5) of this Section is a Class A
6 misdemeanor. A second or subsequent violation of subdivision
7 (a)(4) or (a)(5) of this Section is a Class 4 felony.

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

18 This subsection (d) does not apply when the court imposes
19 a sentence of incarceration.

20 Section 10. The Unified Code of Corrections is amended
21 by changing Section 5-5-6 as follows:

22 (730 ILCS 5/5-5-6) (from Ch. 38, par. 1005-5-6)
23 Sec. 5-5-6. In all convictions for offenses in violation
24 of the Criminal Code of 1961 in which the person received any
25 injury to their person or damage to their real or personal
26 property as a result of the criminal act of the defendant,
27 the court shall order restitution as provided in this
28 Section. In all other cases, except cases in which
29 restitution is required under this Section, the court must at
30 the sentence hearing determine whether restitution is an
31 appropriate sentence to be imposed on each defendant
32 convicted of an offense. If the court determines that an

1 order directing the offender to make restitution is
2 appropriate, the offender may be sentenced to make
3 restitution. If the offender is sentenced to make restitution
4 the Court shall determine the restitution as hereinafter set
5 forth:

6 (a) At the sentence hearing, the court shall
7 determine whether the property may be restored in kind to
8 the possession of the owner or the person entitled to
9 possession thereof; or whether the defendant is possessed
10 of sufficient skill to repair and restore property
11 damaged; or whether the defendant should be required to
12 make restitution in cash, for out-of-pocket expenses,
13 damages, losses, or injuries found to have been
14 proximately caused by the conduct of the defendant or
15 another for whom the defendant is legally accountable
16 under the provisions of Article V of the Criminal Code of
17 1961.

18 (b) In fixing the amount of restitution to be paid
19 in cash, the court shall allow credit for property
20 returned in kind, for property damages ordered to be
21 repaired by the defendant, and for property ordered to be
22 restored by the defendant; and after granting the credit,
23 the court shall assess the actual out-of-pocket expenses,
24 losses, damages, and injuries suffered by the victim
25 named in the charge and any other victims who may also
26 have suffered out-of-pocket expenses, losses, damages,
27 and injuries proximately caused by the same criminal
28 conduct of the defendant, and insurance carriers who have
29 indemnified the named victim or other victims for the
30 out-of-pocket expenses, losses, damages, or injuries,
31 provided that in no event shall restitution be ordered to
32 be paid on account of pain and suffering. If a defendant
33 is placed on supervision for, or convicted of, domestic
34 battery, the defendant shall be required to pay

1 restitution to any domestic violence shelter in which the
2 victim and any other family or household members lived
3 because of the domestic battery. The amount of the
4 restitution shall equal the actual expenses of the
5 domestic violence shelter in providing housing and any
6 other services for the victim and any other family or
7 household members living at the shelter. If a defendant
8 fails to pay restitution in the manner or within the time
9 period specified by the court, the court may enter an
10 order directing the sheriff to seize any real or personal
11 property of a defendant to the extent necessary to
12 satisfy the order of restitution and dispose of the
13 property by public sale. All proceeds from such sale in
14 excess of the amount of restitution plus court costs and
15 the costs of the sheriff in conducting the sale shall be
16 paid to the defendant. The defendant convicted of
17 domestic battery, if a person under 18 years of age who
18 is the child of the offender or of the victim was present
19 and witnessed the domestic battery of the victim, is
20 liable to pay restitution for the cost of any counseling
21 required for the child at the discretion of the court. A
22 defendant convicted of any offense under Section 26A-5 or
23 26A-10 of the Criminal Code of 1961 shall be ordered to
24 pay restitution in the amount of the total actual
25 out-of-pocket expenses, losses, damages, or injuries to
26 any victim proximately caused by the conduct that
27 constitutes the offense, including the costs incurred by
28 the State or a unit of local government in investigating
29 or otherwise responding to the offense.

30 (c) In cases where more than one defendant is
31 accountable for the same criminal conduct that results in
32 out-of-pocket expenses, losses, damages, or injuries,
33 each defendant shall be ordered to pay restitution in the
34 amount of the total actual out-of-pocket expenses,

1 losses, damages, or injuries to the victim proximately
2 caused by the conduct of all of the defendants who are
3 legally accountable for the offense.

4 (1) In no event shall the victim be entitled
5 to recover restitution in excess of the actual
6 out-of-pocket expenses, losses, damages, or
7 injuries, proximately caused by the conduct of all
8 of the defendants.

9 (2) As between the defendants, the court may
10 apportion the restitution that is payable in
11 proportion to each co-defendant's culpability in the
12 commission of the offense.

13 (3) In the absence of a specific order
14 apportioning the restitution, each defendant shall
15 bear his pro rata share of the restitution.

16 (4) As between the defendants, each defendant
17 shall be entitled to a pro rata reduction in the
18 total restitution required to be paid to the victim
19 for amounts of restitution actually paid by
20 co-defendants, and defendants who shall have paid
21 more than their pro rata share shall be entitled to
22 refunds to be computed by the court as additional
23 amounts are paid by co-defendants.

24 (d) In instances where a defendant has more than
25 one criminal charge pending against him in a single case,
26 or more than one case, and the defendant stands convicted
27 of one or more charges, a plea agreement negotiated by
28 the State's Attorney and the defendants may require the
29 defendant to make restitution to victims of charges that
30 have been dismissed or which it is contemplated will be
31 dismissed under the terms of the plea agreement, and
32 under the agreement, the court may impose a sentence of
33 restitution on the charge or charges of which the
34 defendant has been convicted that would require the

1 defendant to make restitution to victims of other
2 offenses as provided in the plea agreement.

3 (e) The court may require the defendant to apply
4 the balance of the cash bond, after payment of court
5 costs, and any fine that may be imposed to the payment of
6 restitution.

7 (f) Taking into consideration the ability of the
8 defendant to pay, the court shall determine whether
9 restitution shall be paid in a single payment or in
10 installments, and shall fix a period of time not in
11 excess of 5 years, not including periods of
12 incarceration, within which payment of restitution is to
13 be paid in full. Complete restitution shall be paid in as
14 short a time period as possible. However, if the court
15 deems it necessary and in the best interest of the
16 victim, the court may extend beyond 5 years the period of
17 time within which the payment of restitution is to be
18 paid. If the defendant is ordered to pay restitution and
19 the court orders that restitution is to be paid over a
20 period greater than 6 months, the court shall order that
21 the defendant make monthly payments; the court may waive
22 this requirement of monthly payments only if there is a
23 specific finding of good cause for waiver.

24 (g) The court shall, after determining that the
25 defendant has the ability to pay, require the defendant
26 to pay for the victim's counseling services if:

27 (1) the defendant was convicted of an offense
28 under Sections 11-19.2, 11-20.1, 12-13, 12-14,
29 12-14.1, 12-15 or 12-16 of the Criminal Code of
30 1961, or was charged with such an offense and the
31 charge was reduced to another charge as a result of
32 a plea agreement under subsection (d) of this
33 Section, and

34 (2) the victim was under 18 years of age at

1 the time the offense was committed and requires
2 counseling as a result of the offense.

3 The payments shall be made by the defendant to the
4 clerk of the circuit court and transmitted by the clerk
5 to the appropriate person or agency as directed by the
6 court. The order may require such payments to be made
7 for a period not to exceed 5 years after sentencing, not
8 including periods of incarceration.

9 (h) The judge may enter an order of withholding to
10 collect the amount of restitution owed in accordance with
11 Part 8 of Article XII of the Code of Civil Procedure.

12 (i) A sentence of restitution may be modified or
13 revoked by the court if the offender commits another
14 offense, or the offender fails to make restitution as
15 ordered by the court, but no sentence to make restitution
16 shall be revoked unless the court shall find that the
17 offender has had the financial ability to make
18 restitution, and he has wilfully refused to do so. When
19 the offender's ability to pay restitution was established
20 at the time an order of restitution was entered or
21 modified, or when the offender's ability to pay was based
22 on the offender's willingness to make restitution as part
23 of a plea agreement made at the time the order of
24 restitution was entered or modified, there is a
25 rebuttable presumption that the facts and circumstances
26 considered by the court at the hearing at which the order
27 of restitution was entered or modified regarding the
28 offender's ability or willingness to pay restitution have
29 not materially changed. If the court shall find that the
30 defendant has failed to make restitution and that the
31 failure is not wilful, the court may impose an additional
32 period of time within which to make restitution. The
33 length of the additional period shall not be more than 2
34 years. The court shall retain all of the incidents of

1 the original sentence, including the authority to modify
2 or enlarge the conditions, and to revoke or further
3 modify the sentence if the conditions of payment are
4 violated during the additional period.

5 (j) The procedure upon the filing of a Petition to
6 Revoke a sentence to make restitution shall be the same
7 as the procedures set forth in Section 5-6-4 of this Code
8 governing violation, modification, or revocation of
9 Probation, of Conditional Discharge, or of Supervision.

10 (k) Nothing contained in this Section shall
11 preclude the right of any party to proceed in a civil
12 action to recover for any damages incurred due to the
13 criminal misconduct of the defendant.

14 (l) Restitution ordered under this Section shall
15 not be subject to disbursement by the circuit clerk under
16 Section 27.5 of the Clerks of Courts Act.

17 (m) A restitution order under this Section is a
18 judgment lien in favor of the victim that:

19 (1) Attaches to the property of the person
20 subject to the order;

21 (2) May be perfected in the same manner as
22 provided in Part 3 of Article 9 of the Uniform
23 Commercial Code;

24 (3) May be enforced to satisfy any payment
25 that is delinquent under the restitution order by
26 the person in whose favor the order is issued or the
27 person's assignee; and

28 (4) Expires in the same manner as a judgment
29 lien created in a civil proceeding.

30 When a restitution order is issued under this
31 Section, the issuing court shall send a certified copy of
32 the order to the clerk of the circuit court in the county
33 where the charge was filed. Upon receiving the order,
34 the clerk shall enter and index the order in the circuit

1 court judgment docket.

2 (n) An order of restitution under this Section does
3 not bar a civil action for:

4 (1) Damages that the court did not require the
5 person to pay to the victim under the restitution
6 order but arise from an injury or property damages
7 that is the basis of restitution ordered by the
8 court; and

9 (2) Other damages suffered by the victim.

10 The restitution order is not discharged by the completion
11 of the sentence imposed for the offense.

12 A restitution order under this Section is not discharged
13 by the liquidation of a person's estate by a receiver. A
14 restitution order under this Section may be enforced in the
15 same manner as judgment liens are enforced under Article XII
16 of the Code of Civil Procedure.

17 The provisions of Section 2-1303 of the Code of Civil
18 Procedure, providing for interest on judgments, apply to
19 judgments for restitution entered under this Section.

20 (Source: P.A. 91-153, eff. 1-1-00; 91-262, eff. 1-1-00;
21 91-420, eff. 1-1-00; 92-16, eff. 6-28-01.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.