

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 adding
5 Section 20.5-7 as follows:

6 (720 ILCS 5/20.5-7 new)

7 Sec. 20.5-7. Transmission of a substance alleged to be
8 deadly.

9 (a) A person commits the offense of transmission of a
10 substance alleged to be deadly when, with the intent to
11 disturb another person and cause a breach of the peace or to
12 create a panic, he or she knowingly mails or otherwise
13 transmits to another person a substance alleged to be deadly
14 or places that substance in a public place.

15 (b) Sentence.

16 (1) Transmission of a substance alleged to be
17 deadly, other than to an abortion clinic, is a Class 3
18 felony.

19 (2) Transmission of a substance alleged to be
20 deadly to an abortion clinic is a Class 2 felony.

21 (c) This Section does not apply to the lawful
22 transmission of substances described in Section 20.5-6 or the
23 lawful transmission of a substance alleged to be deadly.

24 (d) In this Section:

25 "Substance alleged to be deadly" means a substance, other
26 than a substance described in Section 20.5-6 of this Code,
27 which (1) by overall dosage unit appearance, including shape,
28 color, size, markings or lack of markings, smell,
29 consistency, or any other identifying physical characteristic
30 of the substance, would lead a reasonable person to believe
31 that the substance is a substance described in Section

1 20.5-6, or (2) is expressly or impliedly represented to be a
2 substance described in Section 20.5-6 or is transmitted under
3 circumstances which would lead a reasonable person to believe
4 that the substance is a substance described in Section
5 20.5-6. For the purpose of determining whether the
6 representations made or the circumstances of the transmission
7 would lead a reasonable person to believe the substance to be
8 a substance under this clause (2), the court or jury may
9 consider the following factors in addition to any other
10 factor that may be relevant: (i) statements made by the owner
11 or person in control of the substance concerning its nature,
12 use, or effect; and (ii) whether the transmission of the
13 substance was followed by an exchange of or demand for money
14 or other property as consideration for preventing future
15 transmissions of the substance or for obtaining an antidote
16 for the substance.

17 "Public place" means any place that may be reasonably
18 expected to be viewed or accessed by other persons.

19 "Abortion" means the use of an instrument, medicine, drug
20 or any other substance or device to terminate the pregnancy
21 of a woman known to be pregnant with an intention other than
22 to increase the probability of a live birth, to preserve the
23 life or health of the child after live birth, or to remove a
24 dead fetus.

25 "Abortion clinic" means a hospital, ambulatory surgical
26 treatment center, or the office of a physician licensed to
27 practice medicine in all its branches that performs
28 abortions.

29 Section 99. Effective date. This Act takes effect upon
30 becoming law.