

SB3444



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3444

Introduced 11/9/2016, by Sen. David S. Luechtefeld

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-7.1

from Ch. 38, par. 12-7.1

Amends the Criminal Code of 2012. Provides that a person also commits a hate crime when, by reason of the actual or perceived employment as a peace officer, correctional institution employee, probation officer, parole officer, firefighter, or emergency medical services personnel of another individual or group of individuals, regardless of the existence of any other motivating factor or factors, he or she commits assault, battery, aggravated assault, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action, disorderly conduct, harassment by telephone, or harassment through electronic communications.

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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 2012 is amended by changing
5 Section 12-7.1 as follows:

6 (720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)

7 Sec. 12-7.1. Hate crime.

8 (a) A person commits hate crime when, by reason of the
9 actual or perceived race, color, creed, religion, ancestry,
10 gender, sexual orientation, physical or mental disability, or
11 national origin of another individual or group of individuals,
12 or by reason of the actual or perceived employment as a peace
13 officer, correctional institution employee, probation officer,
14 parole officer, firefighter, or emergency medical services
15 personnel of another individual or group of individuals,
16 regardless of the existence of any other motivating factor or
17 factors, he or she commits assault, battery, aggravated
18 assault, misdemeanor theft, criminal trespass to residence,
19 misdemeanor criminal damage to property, criminal trespass to
20 vehicle, criminal trespass to real property, mob action,
21 disorderly conduct, harassment by telephone, or harassment
22 through electronic communications as these crimes are defined
23 in Sections 12-1, 12-2, 12-3(a), 16-1, 19-4, 21-1, 21-2, 21-3,

1 25-1, 26-1, 26.5-2, and paragraphs (a) (2) and (a) (5) of Section
2 26.5-3 of this Code, respectively.

3 (b) Except as provided in subsection (b-5), hate crime is a
4 Class 4 felony for a first offense and a Class 2 felony for a
5 second or subsequent offense.

6 (b-5) Hate crime is a Class 3 felony for a first offense
7 and a Class 2 felony for a second or subsequent offense if
8 committed:

9 (1) in a church, synagogue, mosque, or other building,
10 structure, or place used for religious worship or other
11 religious purpose;

12 (2) in a cemetery, mortuary, or other facility used for
13 the purpose of burial or memorializing the dead;

14 (3) in a school or other educational facility,
15 including an administrative facility or public or private
16 dormitory facility of or associated with the school or
17 other educational facility;

18 (4) in a public park or an ethnic or religious
19 community center;

20 (5) on the real property comprising any location
21 specified in clauses (1) through (4) of this subsection
22 (b-5); or

23 (6) on a public way within 1,000 feet of the real
24 property comprising any location specified in clauses (1)
25 through (4) of this subsection (b-5).

26 (b-10) Upon imposition of any sentence, the trial court

1 shall also either order restitution paid to the victim or
2 impose a fine up to \$1,000. In addition, any order of probation
3 or conditional discharge entered following a conviction or an
4 adjudication of delinquency shall include a condition that the
5 offender perform public or community service of no less than
6 200 hours if that service is established in the county where
7 the offender was convicted of hate crime. In addition, any
8 order of probation or conditional discharge entered following a
9 conviction or an adjudication of delinquency shall include a
10 condition that the offender enroll in an educational program
11 discouraging hate crimes if the offender caused criminal damage
12 to property consisting of religious fixtures, objects, or
13 decorations. The educational program may be administered, as
14 determined by the court, by a university, college, community
15 college, non-profit organization, or the Holocaust and
16 Genocide Commission. Nothing in this subsection (b-10)
17 prohibits courses discouraging hate crimes from being made
18 available online. The court may also impose any other condition
19 of probation or conditional discharge under this Section.

20 (c) Independent of any criminal prosecution or the result
21 thereof, any person suffering injury to his person or damage to
22 his property as a result of hate crime may bring a civil action
23 for damages, injunction or other appropriate relief. The court
24 may award actual damages, including damages for emotional
25 distress, or punitive damages. A judgment may include
26 attorney's fees and costs. The parents or legal guardians,

1 other than guardians appointed pursuant to the Juvenile Court
2 Act or the Juvenile Court Act of 1987, of an unemancipated
3 minor shall be liable for the amount of any judgment for actual
4 damages rendered against such minor under this subsection (c)
5 in any amount not exceeding the amount provided under Section 5
6 of the Parental Responsibility Law.

7 (d) In this Section:

8 "Emergency medical services personnel" has the meaning
9 ascribed to it in Section 3.5 of the Emergency Medical
10 Services (EMS) Systems Act.

11 "Firefighter" means a person employed by a fire
12 department or fire protection district or any volunteer
13 firefighter in this State.

14 "Sexual orientation" has the meaning ascribed to it in
15 paragraph (O-1) of Section 1-103 of the Illinois Human
16 Rights Act.

17 (Source: P.A. 99-77, eff. 1-1-16.)