



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB2552

by Rep. Chad Hays

#### SYNOPSIS AS INTRODUCED:

740 ILCS 147/10

Amends the Illinois Streetgang Terrorism Omnibus Prevention Act. Deletes the definition of "streetgang" or "gang" or "organized gang". Provides instead that "streetgang" or "gang" or "organized gang" or "criminal street gang" means an ongoing group, club, organization, or association of 3 or more persons that has as one of its primary purposes the commission of criminal offenses and the members of which engage, or have engaged within the past 5 years, in a course or pattern of criminal activity.

LRB100 10731 HEP 21438 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Streetgang Terrorism Omnibus  
5 Prevention Act is amended by changing Section 10 as follows:

6 (740 ILCS 147/10)

7 Sec. 10. Definitions.

8 "Course or pattern of criminal activity" means 2 or more  
9 gang-related criminal offenses committed in whole or in part  
10 within this State when:

11 (1) at least one such offense was committed after the  
12 effective date of this Act;

13 (2) both offenses were committed within 5 years of each  
14 other; and

15 (3) at least one offense involved the solicitation to  
16 commit, conspiracy to commit, attempt to commit, or  
17 commission of any offense defined as a felony or forcible  
18 felony under the Criminal Code of 1961 or the Criminal Code  
19 of 2012.

20 "Course or pattern of criminal activity" also means one or  
21 more acts of criminal defacement of property under Section  
22 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
23 2012, if the defacement includes a sign or other symbol

1 intended to identify the streetgang.

2 "Designee of State's Attorney" or "designee" means any  
3 attorney for a public authority who has received written  
4 permission from the State's Attorney to file or join in a civil  
5 action authorized by this Act.

6 "Public authority" means any unit of local government or  
7 school district created or established under the Constitution  
8 or laws of this State.

9 "State's Attorney" means the State's Attorney of any county  
10 where an offense constituting a part of a course or pattern of  
11 gang-related criminal activity has occurred or has been  
12 committed.

13 "Streetgang" or "gang" or "organized gang" or "criminal  
14 street gang" means an ongoing group, club, organization, or  
15 association of 3 or more persons that has as one of its primary  
16 purposes the commission of criminal offenses and the members of  
17 which engage, or have engaged within the past 5 years, in a  
18 course or pattern of criminal activity ~~any combination,~~  
19 ~~confederation, alliance, network, conspiracy, understanding,~~  
20 ~~or other similar conjoining, in law or in fact, of 3 or more~~  
21 ~~persons with an established hierarchy that, through its~~  
22 ~~membership or through the agency of any member engages in a~~  
23 ~~course or pattern of criminal activity.~~

24 For purposes of this Act, it shall not be necessary to show  
25 that a particular conspiracy, combination, or conjoining of  
26 persons possesses, acknowledges, or is known by any common

1 name, insignia, flag, means of recognition, secret signal or  
2 code, creed, belief, structure, leadership or command  
3 structure, method of operation or criminal enterprise,  
4 concentration or specialty, membership, age, or other  
5 qualifications, initiation rites, geographical or territorial  
6 situs or boundary or location, or other unifying mark, manner,  
7 protocol or method of expressing or indicating membership when  
8 the conspiracy's existence, in law or in fact, can be  
9 demonstrated by a preponderance of other competent evidence.  
10 However, any evidence reasonably tending to show or  
11 demonstrate, in law or in fact, the existence of or membership  
12 in any conspiracy, confederation, or other association  
13 described herein, or probative of the existence of or  
14 membership in any such association, shall be admissible in any  
15 action or proceeding brought under this Act.

16 "Streetgang member" or "gang member" means any person who  
17 actually and in fact belongs to a gang, and any person who  
18 knowingly acts in the capacity of an agent for or accessory to,  
19 or is legally accountable for, or voluntarily associates  
20 himself with a course or pattern of gang-related criminal  
21 activity, whether in a preparatory, executory, or cover-up  
22 phase of any activity, or who knowingly performs, aids, or  
23 abets any such activity.

24 "Streetgang related" or "gang-related" means any criminal  
25 activity, enterprise, pursuit, or undertaking directed by,  
26 ordered by, authorized by, consented to, agreed to, requested

1 by, acquiesced in, or ratified by any gang leader, officer, or  
2 governing or policy-making person or authority, or by any  
3 agent, representative, or deputy of any such officer, person,  
4 or authority:

5 (1) with the intent to increase the gang's size,  
6 membership, prestige, dominance, or control in any  
7 geographical area; or

8 (2) with the intent to provide the gang with any  
9 advantage in, or any control or dominance over any criminal  
10 market sector, including but not limited to, the  
11 manufacture, delivery, or sale of controlled substances or  
12 cannabis; arson or arson-for-hire; traffic in stolen  
13 property or stolen credit cards; traffic in prostitution,  
14 obscenity, or pornography; or that involves robbery,  
15 burglary, or theft; or

16 (3) with the intent to exact revenge or retribution for  
17 the gang or any member of the gang; or

18 (4) with the intent to obstruct justice, or intimidate  
19 or eliminate any witness against the gang or any member of  
20 the gang; or

21 (5) with the intent to otherwise directly or indirectly  
22 cause any benefit, aggrandizement, gain, profit or other  
23 advantage whatsoever to or for the gang, its reputation,  
24 influence, or membership.

25 (Source: P.A. 97-1150, eff. 1-25-13.)