



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0965

Introduced 2/8/2007, by Rep. Linda Chapa LaVia

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/33D-1

from Ch. 38, par. 33D-1

Amends the Criminal Code of 1961. Provides that any person of the age of 21 years and upwards who with the intent to promote or facilitate the commission of a gang-related offense, as defined in the Illinois Streetgang Terrorism Omnibus Prevention Act that is either a felony or misdemeanor, solicits, compels, or directs any person under the age of 17 years in the commission of the offense commits the offense of contributing to the criminal delinquency of a juvenile and is legally accountable for the gang-related offense committed by the person under the age of 17 years as a result of such solicitation, compulsion, or direction. Provides that the penalty for contributing to the criminal delinquency of a juvenile under this provision is the same as the penalty for the offense committed by the person under 17 years of age as a result of the solicitation, compulsion, or direction by the person of the age of 21 years and upwards.

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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 1961 is amended by changing  
5 Section 33D-1 as follows:

6 (720 ILCS 5/33D-1) (from Ch. 38, par. 33D-1)

7 Sec. 33D-1. (a) Contributing to the criminal delinquency of  
8 a juvenile. Any person of the age of 21 years and upwards, who  
9 with the intent to promote or facilitate the commission of an  
10 offense that is either a felony or misdemeanor, solicits,  
11 compels, or directs any person under the age of 17 years in the  
12 commission of the offense commits the offense of contributing  
13 to the criminal delinquency of a juvenile.

14 (a-5) Any person of the age of 21 years and upwards who  
15 with the intent to promote or facilitate the commission of a  
16 gang-related offense, as defined in Section 10 of the Illinois  
17 Streetgang Terrorism Omnibus Prevention Act that is either a  
18 felony or misdemeanor, solicits, compels, or directs any person  
19 under the age of 17 years in the commission of the offense  
20 commits the offense of contributing to the criminal delinquency  
21 of a juvenile and is legally accountable for the gang-related  
22 offense committed by the person under the age of 17 years as a  
23 result of such solicitation, compulsion, or direction.

1 (b) Sentence.

2 (1) Except as otherwise provided in paragraph (2) of  
3 this subsection (b), contributing ~~Contributing~~ to the  
4 criminal delinquency of a juvenile is a felony one grade  
5 higher than the offense committed, if the offense committed  
6 is a felony, except when the offense committed is first  
7 degree murder or a Class X felony. Except as otherwise  
8 provided in paragraph (2) of this subsection (b), when ~~When~~  
9 the offense committed is first degree murder or a Class X  
10 felony, the penalty for contributing to the criminal  
11 delinquency of a juvenile is the same as the penalty for  
12 first degree murder or a Class X felony, respectively.  
13 Except as otherwise provided in paragraph (2) of this  
14 subsection (b), contributing ~~Contributing~~ to the criminal  
15 delinquency of a juvenile is a misdemeanor one grade higher  
16 than the offense committed, if the offense committed is a  
17 misdemeanor, except when the offense committed is a Class A  
18 misdemeanor. Except as otherwise provided in paragraph (2)  
19 of this subsection (b), if ~~If~~ the offense committed is a  
20 Class A misdemeanor, the penalty for contributing to the  
21 criminal delinquency of a juvenile is a Class 4 felony.

22 (2) The penalty for contributing to the criminal  
23 delinquency of a juvenile under subsection (a-5) is the  
24 same as the penalty for the offense committed by the person  
25 under 17 years of age as a result of the solicitation,  
26 compulsion, or direction by the person of the age of 21

1           years and upwards.

2           (Source: P.A. 91-337, eff. 1-1-00.)