



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2384

Introduced 2/19/2009, by Rep. Edward J. Acevedo

SYNOPSIS AS INTRODUCED:

740 ILCS 147/35

Amends the Illinois Streetgang Terrorism Omnibus Prevention Act. Provides that in addition to existing provisions for injunctive relief against an individual in an illegal streetgang, the Attorney General, any State's Attorney, or any prosecuting municipal attorney may maintain an action for damages on behalf of a community or neighborhood against streetgangs, their officers, or members to abate streetgang activity constituting a nuisance. Provides that any money damages awarded shall be paid by or collected from the streetgang's or its members' assets. Provides that only members of the criminal streetgang who created, maintained, or contributed to the creation or maintenance of the nuisance shall be personally liable. Provides that in this action the testimony of experts may be used to establish damages suffered by the community or neighborhood injured by the nuisance. Provides that the damages recovered shall be deposited into a separate segregated fund for payment to the governing body of the municipality or county in which the community or neighborhood is located, and that governing body shall use those assets solely for the benefit of the community or neighborhood that has been injured by the nuisance.

LRB096 08271 AJO 18378 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 35 as follows:

6 (740 ILCS 147/35)

7 Sec. 35. Injunctive relief, damages, costs, and fees.

8 (a) In any action brought under this Act, and upon the
9 verified application of the State's Attorney or his designee,
10 the circuit court may at any time enter such restraining
11 orders, injunctions, or other prohibitions, or order such other
12 relief as it deems proper, including but not limited to
13 ordering any person to divest himself of any involvement or
14 interest, direct or indirect, in any illegal streetgang
15 activity and imposing other reasonable restrictions on the
16 future illegal activities of any defendant.

17 (b) A final judgement in favor of a public authority under
18 this Act shall entitle it to recover compensatory damages for
19 all damages, losses, impairments, or other harm proximately
20 caused, together with the costs of the suit and reasonable
21 attorneys' fees. Punitive damages may be assessed against any
22 streetgang, against any streetgang officer or member found
23 guilty of actual participation in or to be legally accountable

1 for a course or pattern of criminal activity under this Act.

2 (c) Whenever an injunction is issued pursuant to this Act
3 or the Code of Civil Procedure to abate streetgang activity
4 constituting a nuisance, the Attorney General, any State's
5 Attorney, or any prosecuting municipal attorney may maintain an
6 action for money damages on behalf of the community or
7 neighborhood injured by that nuisance. Any money damages
8 awarded shall be paid by or collected from the assets of the
9 criminal streetgang or its members. Only members of the
10 criminal streetgang who created, maintained, or contributed to
11 the creation or maintenance of the nuisance shall be personally
12 liable for the payment of the damages awarded. In a civil
13 action for damages brought pursuant to this Act, the Attorney
14 General, State's Attorney, or prosecuting municipal attorney
15 may use, but is not limited to the use of, the testimony of
16 experts to establish damages suffered by the community or
17 neighborhood injured by the nuisance. The damages recovered
18 pursuant to this Act shall be deposited into a separate
19 segregated fund for payment to the governing body of the
20 municipality or county in which the community or neighborhood
21 is located, and that governing body shall use those assets
22 solely for the benefit of the community or neighborhood that
23 has been injured by the nuisance.

24 (Source: P.A. 87-932.)