



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB0141

Introduced 1/30/2009, by Sen. Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-6.4

Amends the Criminal Code of 1961. Creates the offense of criminal street gang recruitment of a minor. Provides that a person commits the offense when he or she threatens the use of physical force to coerce, solicit, recruit, or induce another person to join or remain a member of a criminal street gang, or conspires to do so, whether or not such threat is communicated in person, by means of the Internet, or by means of a telecommunications device. Provides that the penalty is a Class 1 felony.

LRB096 04807 RLC 14871 b

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 12-6.4 as follows:

6 (720 ILCS 5/12-6.4)

7 Sec. 12-6.4. Criminal street gang recruitment on school
8 grounds or public property adjacent to school grounds and
9 criminal street gang recruitment of a minor.

10 (a) A person commits the offense of criminal street gang
11 recruitment on school grounds or public property adjacent to
12 school grounds when on school grounds or public property
13 adjacent to school grounds, he or she threatens the use of
14 physical force to coerce, solicit, recruit, or induce another
15 person to join or remain a member of a criminal street gang, or
16 conspires to do so.

17 (a-5) A person commits the offense of criminal street gang
18 recruitment of a minor when he or she threatens the use of
19 physical force to coerce, solicit, recruit, or induce another
20 person to join or remain a member of a criminal street gang, or
21 conspires to do so, whether or not such threat is communicated
22 in person, by means of the Internet, or by means of a
23 telecommunications device.

1 (b) Sentence. Criminal street gang recruitment on school
2 grounds or public property adjacent to school grounds is a
3 Class 1 felony and criminal street gang recruitment of a minor
4 is a Class 1 felony.

5 (c) In this Section:

6 "Criminal ~~,"~~ ~~"criminal~~ street gang" has the meaning
7 ascribed to it in Section 10 of the Illinois Streetgang
8 Terrorism Omnibus Prevention Act. ~~and~~

9 "School ~~"school~~ grounds" means the building or
10 buildings or real property comprising a public or private
11 elementary or secondary school, community college,
12 college, or university and includes a school yard, school
13 playing field, or school playground.

14 "Minor" means any person under 18 years of age.

15 "Internet" means an interactive computer service or
16 system or an information service, system, or access
17 software provider that provides or enables computer access
18 by multiple users to a computer server, and includes, but
19 is not limited to, an information service, system, or
20 access software provider that provides access to a network
21 system commonly known as the Internet, or any comparable
22 system or service and also includes, but is not limited to,
23 a World Wide Web page, newsgroup, message board, mailing
24 list, or chat area on any interactive computer service or
25 system or other online service.

26 "Telecommunications device" means a device that is

1 capable of receiving or transmitting speech, data,
2 signals, text, images, sounds, codes, or other information
3 including, but not limited to, paging devices, telephones,
4 and cellular and mobile telephones.

5 (Source: P.A. 93-938, eff. 1-1-05.)