



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3930

by Rep. Kelly M. Cassidy

#### SYNOPSIS AS INTRODUCED:

|                    |                          |
|--------------------|--------------------------|
| 720 ILCS 5/12-7.1  | from Ch. 38, par. 12-7.1 |
| 720 ILCS 5/21-1.2  | from Ch. 38, par. 21-1.2 |
| 730 ILCS 5/5-5-3.2 |                          |

Amends the Criminal Code of 2012 and the Unified Code of Corrections. Adds to the offense of institutional vandalism infliction of damage on a church, synagogue, mosque, cemetery, mortuary, school, educational facility, community center, similar structure, or grounds adjacent to, and owned or rented by an above designated place, because of the actual or perceived sexual orientation of another person or group. Provides that for purposes of the hate crime statute, the institutional vandalism statute, and the statute concerning aggravating factors in sentencing, "sexual orientation" has the meaning ascribed to it in the Illinois Human Rights Act (rather than heterosexuality, homosexuality, or bisexuality).

LRB099 10134 RLC 30357 b

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 Sections 12-7.1 and 21-1.2 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 regardless of the existence of any other motivating factor or  
13 factors, he commits assault, battery, aggravated assault,  
14 misdemeanor theft, criminal trespass to residence, misdemeanor  
15 criminal damage to property, criminal trespass to vehicle,  
16 criminal trespass to real property, mob action, disorderly  
17 conduct, harassment by telephone, or harassment through  
18 electronic communications as these crimes are defined in  
19 Sections 12-1, 12-2, 12-3(a), 16-1, 19-4, 21-1, 21-2, 21-3,  
20 25-1, 26-1, 26.5-2, and paragraphs (a) (2) and (a) (5) of Section  
21 26.5-3 of this Code, respectively.

22 (b) Except as provided in subsection (b-5), hate crime is a  
23 Class 4 felony for a first offense and a Class 2 felony for a

1 second or subsequent offense.

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

5 (1) in a church, synagogue, mosque, or other building,  
6 structure, or place used for religious worship or other  
7 religious purpose;

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

10 (3) in a school or other educational facility,  
11 including an administrative facility or public or private  
12 dormitory facility of or associated with the school or  
13 other educational facility;

14 (4) in a public park or an ethnic or religious  
15 community center;

16 (5) on the real property comprising any location  
17 specified in clauses (1) through (4) of this subsection  
18 (b-5); or

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

22 (b-10) Upon imposition of any sentence, the trial court  
23 shall also either order restitution paid to the victim or  
24 impose a fine up to \$1,000. In addition, any order of probation  
25 or conditional discharge entered following a conviction or an  
26 adjudication of delinquency shall include a condition that the

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

16 (c) Independent of any criminal prosecution or the result  
17 thereof, any person suffering injury to his person or damage to  
18 his property as a result of hate crime may bring a civil action  
19 for damages, injunction or other appropriate relief. The court  
20 may award actual damages, including damages for emotional  
21 distress, or punitive damages. A judgment may include  
22 attorney's fees and costs. The parents or legal guardians,  
23 other than guardians appointed pursuant to the Juvenile Court  
24 Act or the Juvenile Court Act of 1987, of an unemancipated  
25 minor shall be liable for the amount of any judgment for actual  
26 damages rendered against such minor under this subsection (c)

1 in any amount not exceeding the amount provided under Section 5  
2 of the Parental Responsibility Law.

3 (d) "Sexual orientation" has the meaning ascribed to it in  
4 paragraph (0-1) of Section 1-103 of the Illinois Human Rights  
5 Act means heterosexuality, homosexuality, or bisexuality.

6 (Source: P.A. 96-1551, eff. 7-1-11; 97-161, eff. 1-1-12;  
7 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13.)

8 (720 ILCS 5/21-1.2) (from Ch. 38, par. 21-1.2)

9 Sec. 21-1.2. Institutional vandalism.

10 (a) A person commits institutional vandalism when, by  
11 reason of the actual or perceived race, color, creed, religion,  
12 sexual orientation, or national origin of another individual or  
13 group of individuals, regardless of the existence of any other  
14 motivating factor or factors, he or she knowingly and without  
15 consent inflicts damage to any of the following properties:

16 (1) A church, synagogue, mosque, or other building,  
17 structure or place used for religious worship or other  
18 religious purpose;

19 (2) A cemetery, mortuary, or other facility used for  
20 the purpose of burial or memorializing the dead;

21 (3) A school, educational facility or community  
22 center;

23 (4) The grounds adjacent to, and owned or rented by,  
24 any institution, facility, building, structure or place  
25 described in paragraphs (1), (2) or (3) of this subsection

1 (a); or

2 (5) Any personal property contained in any  
3 institution, facility, building, structure or place  
4 described in paragraphs (1), (2) or (3) of this subsection  
5 (a).

6 (b) Sentence.

7 (1) Institutional vandalism is a Class 3 felony when  
8 the damage to the property does not exceed \$300.  
9 Institutional vandalism is a Class 2 felony when the damage  
10 to the property exceeds \$300. Institutional vandalism is a  
11 Class 2 felony for any second or subsequent offense.

12 (2) Upon imposition of any sentence, the trial court  
13 shall also either order restitution paid to the victim or  
14 impose a fine up to \$1,000. In addition, any order of  
15 probation or conditional discharge entered following a  
16 conviction or an adjudication of delinquency shall include  
17 a condition that the offender perform public or community  
18 service of no less than 200 hours if that service is  
19 established in the county where the offender was convicted  
20 of institutional vandalism. The court may also impose any  
21 other condition of probation or conditional discharge  
22 under this Section.

23 (c) Independent of any criminal prosecution or the result  
24 of that prosecution, a person suffering damage to property or  
25 injury to his or her person as a result of institutional  
26 vandalism may bring a civil action for damages, injunction or

1 other appropriate relief. The court may award actual damages,  
2 including damages for emotional distress, or punitive damages.  
3 A judgment may include attorney's fees and costs. The parents  
4 or legal guardians of an unemancipated minor, other than  
5 guardians appointed under the Juvenile Court Act or the  
6 Juvenile Court Act of 1987, shall be liable for the amount of  
7 any judgment for actual damages rendered against the minor  
8 under this subsection in an amount not exceeding the amount  
9 provided under Section 5 of the Parental Responsibility Law.

10 (d) As used in this Section, "sexual orientation" has the  
11 meaning ascribed to it in paragraph (0-1) of Section 1-103 of  
12 the Illinois Human Rights Act.

13 (Source: P.A. 97-1108, eff. 1-1-13.)

14 Section 10. The Unified Code of Corrections is amended by  
15 changing Section 5-5-3.2 as follows:

16 (730 ILCS 5/5-5-3.2)

17 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term  
18 Sentencing.

19 (a) The following factors shall be accorded weight in favor  
20 of imposing a term of imprisonment or may be considered by the  
21 court as reasons to impose a more severe sentence under Section  
22 5-8-1 or Article 4.5 of Chapter V:

23 (1) the defendant's conduct caused or threatened  
24 serious harm;

1           (2) the defendant received compensation for committing  
2 the offense;

3           (3) the defendant has a history of prior delinquency or  
4 criminal activity;

5           (4) the defendant, by the duties of his office or by  
6 his position, was obliged to prevent the particular offense  
7 committed or to bring the offenders committing it to  
8 justice;

9           (5) the defendant held public office at the time of the  
10 offense, and the offense related to the conduct of that  
11 office;

12           (6) the defendant utilized his professional reputation  
13 or position in the community to commit the offense, or to  
14 afford him an easier means of committing it;

15           (7) the sentence is necessary to deter others from  
16 committing the same crime;

17           (8) the defendant committed the offense against a  
18 person 60 years of age or older or such person's property;

19           (9) the defendant committed the offense against a  
20 person who is physically handicapped or such person's  
21 property;

22           (10) by reason of another individual's actual or  
23 perceived race, color, creed, religion, ancestry, gender,  
24 sexual orientation, physical or mental disability, or  
25 national origin, the defendant committed the offense  
26 against (i) the person or property of that individual; (ii)



1 the person or property of a person who has an association  
2 with, is married to, or has a friendship with the other  
3 individual; or (iii) the person or property of a relative  
4 (by blood or marriage) of a person described in clause (i)  
5 or (ii). For the purposes of this Section, "sexual  
6 orientation" has the meaning ascribed to it in paragraph  
7 (O-1) of Section 1-103 of the Illinois Human Rights Act  
8 ~~means heterosexuality, homosexuality, or bisexuality;~~

9 (11) the offense took place in a place of worship or on  
10 the grounds of a place of worship, immediately prior to,  
11 during or immediately following worship services. For  
12 purposes of this subparagraph, "place of worship" shall  
13 mean any church, synagogue or other building, structure or  
14 place used primarily for religious worship;

15 (12) the defendant was convicted of a felony committed  
16 while he was released on bail or his own recognizance  
17 pending trial for a prior felony and was convicted of such  
18 prior felony, or the defendant was convicted of a felony  
19 committed while he was serving a period of probation,  
20 conditional discharge, or mandatory supervised release  
21 under subsection (d) of Section 5-8-1 for a prior felony;

22 (13) the defendant committed or attempted to commit a  
23 felony while he was wearing a bulletproof vest. For the  
24 purposes of this paragraph (13), a bulletproof vest is any  
25 device which is designed for the purpose of protecting the  
26 wearer from bullets, shot or other lethal projectiles;

1           (14) the defendant held a position of trust or  
2 supervision such as, but not limited to, family member as  
3 defined in Section 11-0.1 of the Criminal Code of 2012,  
4 teacher, scout leader, baby sitter, or day care worker, in  
5 relation to a victim under 18 years of age, and the  
6 defendant committed an offense in violation of Section  
7 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
8 11-14.4 except for an offense that involves keeping a place  
9 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
10 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
11 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
12 of 2012 against that victim;

13           (15) the defendant committed an offense related to the  
14 activities of an organized gang. For the purposes of this  
15 factor, "organized gang" has the meaning ascribed to it in  
16 Section 10 of the Streetgang Terrorism Omnibus Prevention  
17 Act;

18           (16) the defendant committed an offense in violation of  
19 one of the following Sections while in a school, regardless  
20 of the time of day or time of year; on any conveyance  
21 owned, leased, or contracted by a school to transport  
22 students to or from school or a school related activity; on  
23 the real property of a school; or on a public way within  
24 1,000 feet of the real property comprising any school:  
25 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
26 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,

1 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
2 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
3 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
4 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
5 Criminal Code of 2012;

6 (16.5) the defendant committed an offense in violation  
7 of one of the following Sections while in a day care  
8 center, regardless of the time of day or time of year; on  
9 the real property of a day care center, regardless of the  
10 time of day or time of year; or on a public way within  
11 1,000 feet of the real property comprising any day care  
12 center, regardless of the time of day or time of year:  
13 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
14 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
15 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
16 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
17 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
18 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
19 Criminal Code of 2012;

20 (17) the defendant committed the offense by reason of  
21 any person's activity as a community policing volunteer or  
22 to prevent any person from engaging in activity as a  
23 community policing volunteer. For the purpose of this  
24 Section, "community policing volunteer" has the meaning  
25 ascribed to it in Section 2-3.5 of the Criminal Code of  
26 2012;

1           (18) the defendant committed the offense in a nursing  
2 home or on the real property comprising a nursing home. For  
3 the purposes of this paragraph (18), "nursing home" means a  
4 skilled nursing or intermediate long term care facility  
5 that is subject to license by the Illinois Department of  
6 Public Health under the Nursing Home Care Act, the  
7 Specialized Mental Health Rehabilitation Act of 2013, or  
8 the ID/DD Community Care Act;

9           (19) the defendant was a federally licensed firearm  
10 dealer and was previously convicted of a violation of  
11 subsection (a) of Section 3 of the Firearm Owners  
12 Identification Card Act and has now committed either a  
13 felony violation of the Firearm Owners Identification Card  
14 Act or an act of armed violence while armed with a firearm;

15           (20) the defendant (i) committed the offense of  
16 reckless homicide under Section 9-3 of the Criminal Code of  
17 1961 or the Criminal Code of 2012 or the offense of driving  
18 under the influence of alcohol, other drug or drugs,  
19 intoxicating compound or compounds or any combination  
20 thereof under Section 11-501 of the Illinois Vehicle Code  
21 or a similar provision of a local ordinance and (ii) was  
22 operating a motor vehicle in excess of 20 miles per hour  
23 over the posted speed limit as provided in Article VI of  
24 Chapter 11 of the Illinois Vehicle Code;

25           (21) the defendant (i) committed the offense of  
26 reckless driving or aggravated reckless driving under

1 Section 11-503 of the Illinois Vehicle Code and (ii) was  
2 operating a motor vehicle in excess of 20 miles per hour  
3 over the posted speed limit as provided in Article VI of  
4 Chapter 11 of the Illinois Vehicle Code;

5 (22) the defendant committed the offense against a  
6 person that the defendant knew, or reasonably should have  
7 known, was a member of the Armed Forces of the United  
8 States serving on active duty. For purposes of this clause  
9 (22), the term "Armed Forces" means any of the Armed Forces  
10 of the United States, including a member of any reserve  
11 component thereof or National Guard unit called to active  
12 duty;

13 (23) the defendant committed the offense against a  
14 person who was elderly, disabled, or infirm by taking  
15 advantage of a family or fiduciary relationship with the  
16 elderly, disabled, or infirm person;

17 (24) the defendant committed any offense under Section  
18 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
19 of 2012 and possessed 100 or more images;

20 (25) the defendant committed the offense while the  
21 defendant or the victim was in a train, bus, or other  
22 vehicle used for public transportation;

23 (26) the defendant committed the offense of child  
24 pornography or aggravated child pornography, specifically  
25 including paragraph (1), (2), (3), (4), (5), or (7) of  
26 subsection (a) of Section 11-20.1 of the Criminal Code of

1 1961 or the Criminal Code of 2012 where a child engaged in,  
2 solicited for, depicted in, or posed in any act of sexual  
3 penetration or bound, fettered, or subject to sadistic,  
4 masochistic, or sadomasochistic abuse in a sexual context  
5 and specifically including paragraph (1), (2), (3), (4),  
6 (5), or (7) of subsection (a) of Section 11-20.1B or  
7 Section 11-20.3 of the Criminal Code of 1961 where a child  
8 engaged in, solicited for, depicted in, or posed in any act  
9 of sexual penetration or bound, fettered, or subject to  
10 sadistic, masochistic, or sadomasochistic abuse in a  
11 sexual context;

12 (27) the defendant committed the offense of first  
13 degree murder, assault, aggravated assault, battery,  
14 aggravated battery, robbery, armed robbery, or aggravated  
15 robbery against a person who was a veteran and the  
16 defendant knew, or reasonably should have known, that the  
17 person was a veteran performing duties as a representative  
18 of a veterans' organization. For the purposes of this  
19 paragraph (27), "veteran" means an Illinois resident who  
20 has served as a member of the United States Armed Forces, a  
21 member of the Illinois National Guard, or a member of the  
22 United States Reserve Forces; and "veterans' organization"  
23 means an organization comprised of members of which  
24 substantially all are individuals who are veterans or  
25 spouses, widows, or widowers of veterans, the primary  
26 purpose of which is to promote the welfare of its members

1 and to provide assistance to the general public in such a  
2 way as to confer a public benefit; or

3 (28) the defendant committed the offense of assault,  
4 aggravated assault, battery, aggravated battery, robbery,  
5 armed robbery, or aggravated robbery against a person that  
6 the defendant knew or reasonably should have known was a  
7 letter carrier or postal worker while that person was  
8 performing his or her duties delivering mail for the United  
9 States Postal Service.

10 For the purposes of this Section:

11 "School" is defined as a public or private elementary or  
12 secondary school, community college, college, or university.

13 "Day care center" means a public or private State certified  
14 and licensed day care center as defined in Section 2.09 of the  
15 Child Care Act of 1969 that displays a sign in plain view  
16 stating that the property is a day care center.

17 "Public transportation" means the transportation or  
18 conveyance of persons by means available to the general public,  
19 and includes paratransit services.

20 (b) The following factors, related to all felonies, may be  
21 considered by the court as reasons to impose an extended term  
22 sentence under Section 5-8-2 upon any offender:

23 (1) When a defendant is convicted of any felony, after  
24 having been previously convicted in Illinois or any other  
25 jurisdiction of the same or similar class felony or greater  
26 class felony, when such conviction has occurred within 10

1 years after the previous conviction, excluding time spent  
2 in custody, and such charges are separately brought and  
3 tried and arise out of different series of acts; or

4 (2) When a defendant is convicted of any felony and the  
5 court finds that the offense was accompanied by  
6 exceptionally brutal or heinous behavior indicative of  
7 wanton cruelty; or

8 (3) When a defendant is convicted of any felony  
9 committed against:

10 (i) a person under 12 years of age at the time of  
11 the offense or such person's property;

12 (ii) a person 60 years of age or older at the time  
13 of the offense or such person's property; or

14 (iii) a person physically handicapped at the time  
15 of the offense or such person's property; or

16 (4) When a defendant is convicted of any felony and the  
17 offense involved any of the following types of specific  
18 misconduct committed as part of a ceremony, rite,  
19 initiation, observance, performance, practice or activity  
20 of any actual or ostensible religious, fraternal, or social  
21 group:

22 (i) the brutalizing or torturing of humans or  
23 animals;

24 (ii) the theft of human corpses;

25 (iii) the kidnapping of humans;

26 (iv) the desecration of any cemetery, religious,



1 fraternal, business, governmental, educational, or  
2 other building or property; or

3 (v) ritualized abuse of a child; or

4 (5) When a defendant is convicted of a felony other  
5 than conspiracy and the court finds that the felony was  
6 committed under an agreement with 2 or more other persons  
7 to commit that offense and the defendant, with respect to  
8 the other individuals, occupied a position of organizer,  
9 supervisor, financier, or any other position of management  
10 or leadership, and the court further finds that the felony  
11 committed was related to or in furtherance of the criminal  
12 activities of an organized gang or was motivated by the  
13 defendant's leadership in an organized gang; or

14 (6) When a defendant is convicted of an offense  
15 committed while using a firearm with a laser sight attached  
16 to it. For purposes of this paragraph, "laser sight" has  
17 the meaning ascribed to it in Section 26-7 of the Criminal  
18 Code of 2012; or

19 (7) When a defendant who was at least 17 years of age  
20 at the time of the commission of the offense is convicted  
21 of a felony and has been previously adjudicated a  
22 delinquent minor under the Juvenile Court Act of 1987 for  
23 an act that if committed by an adult would be a Class X or  
24 Class 1 felony when the conviction has occurred within 10  
25 years after the previous adjudication, excluding time  
26 spent in custody; or

1           (8) When a defendant commits any felony and the  
2 defendant used, possessed, exercised control over, or  
3 otherwise directed an animal to assault a law enforcement  
4 officer engaged in the execution of his or her official  
5 duties or in furtherance of the criminal activities of an  
6 organized gang in which the defendant is engaged; or

7           (9) When a defendant commits any felony and the  
8 defendant knowingly video or audio records the offense with  
9 the intent to disseminate the recording.

10          (c) The following factors may be considered by the court as  
11 reasons to impose an extended term sentence under Section 5-8-2  
12 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

13           (1) When a defendant is convicted of first degree  
14 murder, after having been previously convicted in Illinois  
15 of any offense listed under paragraph (c)(2) of Section  
16 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred  
17 within 10 years after the previous conviction, excluding  
18 time spent in custody, and the charges are separately  
19 brought and tried and arise out of different series of  
20 acts.

21           (1.5) When a defendant is convicted of first degree  
22 murder, after having been previously convicted of domestic  
23 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
24 (720 ILCS 5/12-3.3) committed on the same victim or after  
25 having been previously convicted of violation of an order  
26 of protection (720 ILCS 5/12-30) in which the same victim

1 was the protected person.

2 (2) When a defendant is convicted of voluntary  
3 manslaughter, second degree murder, involuntary  
4 manslaughter, or reckless homicide in which the defendant  
5 has been convicted of causing the death of more than one  
6 individual.

7 (3) When a defendant is convicted of aggravated  
8 criminal sexual assault or criminal sexual assault, when  
9 there is a finding that aggravated criminal sexual assault  
10 or criminal sexual assault was also committed on the same  
11 victim by one or more other individuals, and the defendant  
12 voluntarily participated in the crime with the knowledge of  
13 the participation of the others in the crime, and the  
14 commission of the crime was part of a single course of  
15 conduct during which there was no substantial change in the  
16 nature of the criminal objective.

17 (4) If the victim was under 18 years of age at the time  
18 of the commission of the offense, when a defendant is  
19 convicted of aggravated criminal sexual assault or  
20 predatory criminal sexual assault of a child under  
21 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
22 of Section 12-14.1 of the Criminal Code of 1961 or the  
23 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

24 (5) When a defendant is convicted of a felony violation  
25 of Section 24-1 of the Criminal Code of 1961 or the  
26 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a

1 finding that the defendant is a member of an organized  
2 gang.

3 (6) When a defendant was convicted of unlawful use of  
4 weapons under Section 24-1 of the Criminal Code of 1961 or  
5 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
6 a weapon that is not readily distinguishable as one of the  
7 weapons enumerated in Section 24-1 of the Criminal Code of  
8 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

9 (7) When a defendant is convicted of an offense  
10 involving the illegal manufacture of a controlled  
11 substance under Section 401 of the Illinois Controlled  
12 Substances Act (720 ILCS 570/401), the illegal manufacture  
13 of methamphetamine under Section 25 of the Methamphetamine  
14 Control and Community Protection Act (720 ILCS 646/25), or  
15 the illegal possession of explosives and an emergency  
16 response officer in the performance of his or her duties is  
17 killed or injured at the scene of the offense while  
18 responding to the emergency caused by the commission of the  
19 offense. In this paragraph, "emergency" means a situation  
20 in which a person's life, health, or safety is in jeopardy;  
21 and "emergency response officer" means a peace officer,  
22 community policing volunteer, fireman, emergency medical  
23 technician-ambulance, emergency medical  
24 technician-intermediate, emergency medical  
25 technician-paramedic, ambulance driver, other medical  
26 assistance or first aid personnel, or hospital emergency

1 room personnel.

2 (8) When the defendant is convicted of attempted mob  
3 action, solicitation to commit mob action, or conspiracy to  
4 commit mob action under Section 8-1, 8-2, or 8-4 of the  
5 Criminal Code of 2012, where the criminal object is a  
6 violation of Section 25-1 of the Criminal Code of 2012, and  
7 an electronic communication is used in the commission of  
8 the offense. For the purposes of this paragraph (8),  
9 "electronic communication" shall have the meaning provided  
10 in Section 26.5-0.1 of the Criminal Code of 2012.

11 (d) For the purposes of this Section, "organized gang" has  
12 the meaning ascribed to it in Section 10 of the Illinois  
13 Streetgang Terrorism Omnibus Prevention Act.

14 (e) The court may impose an extended term sentence under  
15 Article 4.5 of Chapter V upon an offender who has been  
16 convicted of a felony violation of Section 11-1.20, 11-1.30,  
17 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
18 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
19 when the victim of the offense is under 18 years of age at the  
20 time of the commission of the offense and, during the  
21 commission of the offense, the victim was under the influence  
22 of alcohol, regardless of whether or not the alcohol was  
23 supplied by the offender; and the offender, at the time of the  
24 commission of the offense, knew or should have known that the  
25 victim had consumed alcohol.

26 (Source: P.A. 97-38, eff. 6-28-11, 97-227, eff. 1-1-12; 97-333,

1 eff. 8-12-11; 97-693, eff. 1-1-13; 97-1108, eff. 1-1-13;  
2 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-14, eff.  
3 1-1-14; 98-104, eff. 7-22-13; 98-385, eff. 1-1-14; 98-756, eff.  
4 7-16-14.)