

# HB2487



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB2487**

by Rep. Norine K. Hammond

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-7.1

from Ch. 38, par. 12-7.1

Amends the Criminal Code of 2012. Provides that a person also commits hate crime when, by reason of the actual or perceived employment as a peace officer, firefighter, or emergency medical services personnel of another individual, regardless of the existence of any other motivating factor or factors, he or she causes the death or permanent disability of the peace officer, firefighter, or emergency medical services personnel.

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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 2012 is amended by changing  
5 Section 12-7.1 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 (a-5) A person commits hate crime when, by reason of the  
23 actual or perceived employment as a peace officer, firefighter,

1 or emergency medical services personnel of another individual,  
2 regardless of the existence of any other motivating factor or  
3 factors, he or she causes the death or permanent disability of  
4 the peace officer, firefighter, or emergency medical services  
5 personnel.

6 (b) Except as provided in subsection (b-5), hate crime is a  
7 Class 4 felony for a first offense and a Class 2 felony for a  
8 second or subsequent offense.

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

12 (1) in a church, synagogue, mosque, or other building,  
13 structure, or place used for religious worship or other  
14 religious purpose;

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

17 (3) in a school or other educational facility,  
18 including an administrative facility or public or private  
19 dormitory facility of or associated with the school or  
20 other educational facility;

21 (4) in a public park or an ethnic or religious  
22 community center;

23 (5) on the real property comprising any location  
24 specified in clauses (1) through (4) of this subsection  
25 (b-5); or

26 (6) on a public way within 1,000 feet of the real

1 property comprising any location specified in clauses (1)  
2 through (4) of this subsection (b-5).

3 (b-10) Upon imposition of any sentence, the trial court  
4 shall also either order restitution paid to the victim or  
5 impose a fine up to \$1,000. In addition, any order of probation  
6 or conditional discharge entered following a conviction or an  
7 adjudication of delinquency shall include a condition that the  
8 offender perform public or community service of no less than  
9 200 hours if that service is established in the county where  
10 the offender was convicted of hate crime. In addition, any  
11 order of probation or conditional discharge entered following a  
12 conviction or an adjudication of delinquency shall include a  
13 condition that the offender enroll in an educational program  
14 discouraging hate crimes if the offender caused criminal damage  
15 to property consisting of religious fixtures, objects, or  
16 decorations. The educational program may be administered, as  
17 determined by the court, by a university, college, community  
18 college, non-profit organization, or the Holocaust and  
19 Genocide Commission. Nothing in this subsection (b-10)  
20 prohibits courses discouraging hate crimes from being made  
21 available online. The court may also impose any other condition  
22 of probation or conditional discharge under this Section.

23 (c) Independent of any criminal prosecution or the result  
24 thereof, any person suffering injury to his person or damage to  
25 his property as a result of hate crime may bring a civil action  
26 for damages, injunction or other appropriate relief. The court

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

10 (d) "Sexual orientation" has the meaning ascribed to it in  
11 paragraph (O-1) of Section 1-103 of the Illinois Human Rights  
12 Act.

13 (Source: P.A. 99-77, eff. 1-1-16.)