

# HB3171



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3171

by Rep. Jim Durkin

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-6.4

Amends the Criminal Code of 2012. Provides that a person commits criminal street gang recruitment when he or she recruits, solicits, or induces another person to join or remain a member of a criminal street gang. Provides that the penalty is a Class 4 felony. Provides that if the person recruited, solicited, or induced is a minor, the offense is a Class 3 felony. Defines "criminal street gang". Effective immediately.

LRB101 07845 SLF 52899 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 2012 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 criminal street gang recruitment on  
11 school grounds or public property adjacent to school grounds  
12 when on school grounds or public property adjacent to school  
13 grounds, he or she knowingly threatens the use of physical  
14 force to coerce, solicit, recruit, or induce another person to  
15 join or remain a member of a criminal street gang, or conspires  
16 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       (a-6) A person commits criminal street gang recruitment  
2 when he or she recruits, solicits, or induces another person to  
3 join or remain a member of a criminal street gang.

4       (b) Sentence. Criminal street gang recruitment on school  
5 grounds or public property adjacent to school grounds under  
6 subsection (a) is a Class 1 felony and criminal street gang  
7 recruitment of a minor under subsection (a-5) is a Class 1  
8 felony. Criminal street gang recruitment under subsection  
9 (a-6) is a Class 4 felony, except if the person recruited,  
10 solicited, or induced in subsection (a-6) is a minor, the  
11 offense is a Class 3 felony.

12       (c) In this Section:

13       "School grounds" means the building or buildings or  
14 real property comprising a public or private elementary or  
15 secondary school, community college, college, or  
16 university and includes a school yard, school playing  
17 field, or school playground.

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

19       "Internet" means an interactive computer service or  
20 system or an information service, system, or access  
21 software provider that provides or enables computer access  
22 by multiple users to a computer server, and includes, but  
23 is not limited to, an information service, system, or  
24 access software provider that provides access to a network  
25 system commonly known as the Internet, or any comparable  
26 system or service and also includes, but is not limited to,

1 a World Wide Web page, newsgroup, message board, mailing  
2 list, or chat area on any interactive computer service or  
3 system or other online service.

4 "Criminal street gang" has the meaning ascribed to the  
5 term in Section 10 of the Illinois Streetgang Terrorism  
6 Omnibus Prevention Act.

7 "Telecommunications device" means a device that is  
8 capable of receiving or transmitting speech, data,  
9 signals, text, images, sounds, codes, or other information  
10 including, but not limited to, paging devices, telephones,  
11 and cellular and mobile telephones.

12 (Source: P.A. 96-199, eff. 1-1-10; 96-1551, eff. 7-1-11.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.