



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB3962

Introduced 2/26/2009, by Rep. Deborah Mell

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/37-1

from Ch. 38, par. 37-1

Amends the Criminal Code of 1961. Provides that any building used in the commission of aggravated child pornography, aggravated criminal housing management, dog fighting, violations of the Liquor Control Act of 1934 relating to the sale or dispensing or permitting the illegal consumption of alcoholic liquors by persons under 21 years of age, or violations of the Humane Care for Animals Act is a public nuisance. Eliminates references to repealed abortion and juice racketeering offenses. Indicates specific violations next to statutory Section number references. Effective immediately.

LRB096 10339 RLC 20509 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 37-1 as follows:

6 (720 ILCS 5/37-1) (from Ch. 38, par. 37-1)

7 Sec. 37-1. Maintaining Public Nuisance. Any building used  
8 in the commission of offenses prohibited by Sections 9-1 (first  
9 degree murder), 10-1 (kidnapping), 10-2 (aggravated  
10 kidnapping), 11-14 (prostitution), 11-15 (soliciting for a  
11 prostitute), 11-16 (pandering), 11-17 (keeping a place of  
12 prostitution), 11-20 (obscenity), 11-20.1 (child pornography),  
13 11-20.3 (aggravated child pornography), 11-21 (harmful  
14 material), 11-22 (tie-in sales of obscene publications to  
15 distributors), 12-5.1 (criminal housing management), 12-5.15  
16 (aggravated criminal housing management), 16-1 (theft), 20-2  
17 (possession of explosives or explosive or incendiary devices),  
18 ~~23-1, 23-1(a)(1)~~, 24-1(a)(7) (unlawful use of weapons, machine  
19 guns, sawed-off rifles and shotguns, grenades, bombs, Molotov  
20 cocktails), 24-3 (unlawful sale of firearms), 26-5 (dog  
21 fighting), 28-1 (gambling), 28-3 (keeping a gambling place),  
22 ~~or~~ 31-5 (concealing or aiding a fugitive) ~~or 39A-1~~ of the  
23 Criminal Code of 1961, or prohibited by subsection (a-1), (c),

1 or (d) of Section 6-16 of the Liquor Control Act of 1934, the  
2 Humane Care for Animals Act, the Illinois Controlled Substances  
3 Act, the Methamphetamine Control and Community Protection Act,  
4 or the Cannabis Control Act, or used in the commission of an  
5 inchoate offense relative to any of the aforesaid principal  
6 offenses, or any real property erected, established,  
7 maintained, owned, leased, or used by a streetgang for the  
8 purpose of conducting streetgang related activity as defined in  
9 Section 10 of the Illinois Streetgang Terrorism Omnibus  
10 Prevention Act is a public nuisance.

11 (b) Sentence. A person convicted of knowingly maintaining  
12 such a public nuisance commits a Class A misdemeanor. Each  
13 subsequent offense under this Section is a Class 4 felony.

14 (Source: P.A. 94-556, eff. 9-11-05.)

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.