



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6587

by Rep. John D. Anthony

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-7.1

from Ch. 38, par. 12-7.1

Amends the Criminal Code of 2012. Provides a person also commits a hate crime if by reason of the actual or perceived employment as a peace officer, firefighter, or emergency medical technician of another individual, regardless of the existence of any other motivating factor or factors, he or she commits assault, battery, aggravated assault, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action, disorderly conduct, harassment by telephone, or harassment through electronic communications. Penalty is a Class 4 felony for a first offense and a Class 2 felony for a second or subsequent offense, unless committed in certain specified locations in which case the penalty is a Class 3 felony for a first offense and a Class 2 felony for a second or subsequent offense.

LRB099 22190 MRW 49555 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 12-7.1 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 or by reason of the actual or perceived employment as a peace
13 officer, firefighter, or emergency medical technician of
14 another individual, regardless of the existence of any other
15 motivating factor or factors, he or she commits assault,
16 battery, aggravated assault, misdemeanor theft, criminal
17 trespass to residence, misdemeanor criminal damage to
18 property, criminal trespass to vehicle, criminal trespass to
19 real property, mob action, disorderly conduct, harassment by
20 telephone, or harassment through electronic communications as
21 these crimes are defined in Sections 12-1, 12-2, 12-3(a), 16-1,
22 19-4, 21-1, 21-2, 21-3, 25-1, 26-1, 26.5-2, and paragraphs
23 (a) (2) and (a) (5) of Section 26.5-3 of this Code, respectively.

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

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

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

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

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

16 (4) in a public park or an ethnic or religious
17 community center;

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

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

24 (b-10) Upon imposition of any sentence, the trial court
25 shall also either order restitution paid to the victim or
26 impose a fine up to \$1,000. In addition, any order of probation

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

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

1 minor shall be liable for the amount of any judgment for actual
2 damages rendered against such minor under this subsection (c)
3 in any amount not exceeding the amount provided under Section 5
4 of the Parental Responsibility Law.

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

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