

# SB2687



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2687

Introduced 1/10/2024, by Sen. Adriane Johnson

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-7.1

from Ch. 38, par. 12-7.1

Amends the Criminal Code of 2012. Provides that, in addition to other elements of the offense, a person commits a hate crime when the person displays or causes to be displayed, on public or private property, a burning cross, a Nazi swastika, a noose, a Confederate flag, or any other known symbol of white supremacist or neo-Nazi beliefs with the intent to intimidate a person or group of persons or incite violence against a person or group of persons. Includes a severability provision.

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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  
5 changing 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,  
11 citizenship, immigration status, or national origin of another  
12 individual or group of individuals, regardless of the  
13 existence of any other motivating factor or factors: τ

14 (1) The person ~~he or she~~ commits assault, battery,  
15 aggravated assault, intimidation, stalking,  
16 cyberstalking, misdemeanor theft, criminal trespass to  
17 residence, misdemeanor criminal damage to property,  
18 criminal trespass to vehicle, criminal trespass to real  
19 property, mob action, disorderly conduct, transmission of  
20 obscene messages, harassment by telephone, or harassment  
21 through electronic communications as these crimes are  
22 defined in Sections 12-1, 12-2, 12-3(a), 12-7.3, 12-7.5,  
23 16-1, 19-4, 21-1, 21-2, 21-3, 25-1, 26-1, 26.5-1, 26.5-2,

1 paragraphs (a) (1), (a) (2), and (a) (3) of Section 12-6, and  
2 paragraphs (a) (2) and (a) (5) of Section 26.5-3 of this  
3 Code, respectively.

4 (2) The person displays or causes to be displayed, on  
5 public or private property, a burning cross, a Nazi  
6 swastika, a noose, a Confederate flag, or any other known  
7 symbol of white supremacist or neo-Nazi beliefs with the  
8 intent to intimidate a person or group of persons or  
9 incite violence against a person or group of persons.

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

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

16 (1) in, or upon the exterior or grounds of, a church,  
17 synagogue, mosque, or other building, structure, or place  
18 identified or associated with a particular religion or  
19 used for religious worship or other religious purpose;

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

22 (3) in a school or other educational facility,  
23 including an administrative facility or public or private  
24 dormitory facility of or associated with the school or  
25 other educational facility;

26 (4) in a public park or an ethnic or religious

1 community center;

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

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

8 (b-10) Upon imposition of any sentence, the trial court  
9 shall also either order restitution paid to the victim or  
10 impose a fine in an amount to be determined by the court based  
11 on the severity of the crime and the injury or damages suffered  
12 by the victim. In addition, any order of probation or  
13 conditional discharge entered following a conviction or an  
14 adjudication of delinquency shall include a condition that the  
15 offender perform public or community service of no less than  
16 200 hours if that service is established in the county where  
17 the offender was convicted of hate crime. In addition, any  
18 order of probation or conditional discharge entered following  
19 a conviction or an adjudication of delinquency shall include a  
20 condition that the offender enroll in an educational program  
21 discouraging hate crimes involving the protected class  
22 identified in subsection (a) that gave rise to the offense the  
23 offender committed. The educational program must be attended  
24 by the offender in-person and may be administered, as  
25 determined by the court, by a university, college, community  
26 college, non-profit organization, the Illinois Holocaust and

1 Genocide Commission, or any other organization that provides  
2 educational programs discouraging hate crimes, except that  
3 programs administered online or that can otherwise be attended  
4 remotely are prohibited. The court may also impose any other  
5 condition of probation or conditional discharge under this  
6 Section. If the court sentences the offender to imprisonment  
7 or periodic imprisonment for a violation of this Section, as a  
8 condition of the offender's mandatory supervised release, the  
9 court shall require that the offender perform public or  
10 community service of no less than 200 hours and enroll in an  
11 educational program discouraging hate crimes involving the  
12 protected class identified in subsection (a) that gave rise to  
13 the offense the offender committed.

14 (c) Independent of any criminal prosecution or the result  
15 of a criminal prosecution, any person suffering injury to his  
16 or her person, damage to his or her property, intimidation as  
17 defined in paragraphs (a)(1), (a)(2), and (a)(3) of Section  
18 12-6 of this Code, stalking as defined in Section 12-7.3 of  
19 this Code, cyberstalking as defined in Section 12-7.5 of this  
20 Code, disorderly conduct as defined in paragraph (a)(1),  
21 (a)(4), (a)(5), or (a)(6) of Section 26-1 of this Code,  
22 transmission of obscene messages as defined in Section 26.5-1  
23 of this Code, harassment by telephone as defined in Section  
24 26.5-2 of this Code, or harassment through electronic  
25 communications as defined in paragraphs (a)(2) and (a)(5) of  
26 Section 26.5-3 of this Code as a result of a hate crime may

1 bring a civil action for damages, injunction or other  
2 appropriate relief. The court may award actual damages,  
3 including damages for emotional distress, as well as punitive  
4 damages. The court may impose a civil penalty up to \$25,000 for  
5 each violation of this subsection (c). A judgment in favor of a  
6 person who brings a civil action under this subsection (c)  
7 shall include attorney's fees and costs. After consulting with  
8 the local State's Attorney, the Attorney General may bring a  
9 civil action in the name of the People of the State for an  
10 injunction or other equitable relief under this subsection  
11 (c). In addition, the Attorney General may request and the  
12 court may impose a civil penalty up to \$25,000 for each  
13 violation under this subsection (c). The parents or legal  
14 guardians, other than guardians appointed pursuant to the  
15 Juvenile Court Act or the Juvenile Court Act of 1987, of an  
16 unemancipated minor shall be liable for the amount of any  
17 judgment for all damages rendered against such minor under  
18 this subsection (c) in any amount not exceeding the amount  
19 provided under Section 5 of the Parental Responsibility Law.

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

23 (e) The provisions of this amendatory Act of the 103rd  
24 General Assembly are severable under Section 1.31 of the  
25 Statute on Statutes.

26 (Source: P.A. 102-235, eff. 1-1-22; 102-468, eff. 1-1-22;

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1 102-813, eff. 5-13-22.)