

1 AN ACT in relation to 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
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, or
11 national origin of another individual or group of
12 individuals, regardless of the existence of any other
13 motivating factor or factors, he commits assault, battery,
14 aggravated assault, misdemeanor theft, criminal trespass to
15 residence, misdemeanor criminal damage to property, criminal
16 trespass to vehicle, criminal trespass to real property, mob
17 action or disorderly conduct as these crimes are defined in
18 Sections 12-1, 12-2, 12-3, 16-1, 19-4, 21-1, 21-2, 21-3,
19 25-1, and 26-1 of this Code, respectively, or harassment by
20 telephone as defined in Section 1-1 of the Harassing and
21 Obscene Communications Act, or harassment through electronic
22 communications as defined in clause (a)(4) of Section 1-2 of
23 the Harassing and Obscene Communications Act.

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

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

30 (1) in a church, synagogue, mosque, or other
31 building, structure, or place used for religious worship

1 or other religious purpose;

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

4 (3) in a school or other educational facility;

5 (4) in a public park or an ethnic or religious
6 community center;

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

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

13 (b-10) Upon imposition of any sentence, the trial court
14 shall also either order restitution paid to the victim or
15 impose a fine up to \$1,000. In addition, any order of
16 probation or conditional discharge entered following a
17 conviction or an adjudication of delinquency shall include a
18 condition that the offender perform public or community
19 service of no less than 200 hours if that service is
20 established in the county where the offender was convicted of
21 hate crime. The court may also impose any other condition of
22 probation or conditional discharge under this Section.

23 (c) Independent of any criminal prosecution or the
24 result thereof, any person suffering injury to his person or
25 damage to his property as a result of hate crime may bring a
26 civil action for damages, injunction or other appropriate
27 relief. The court may award actual damages, including damages
28 for emotional distress, or punitive damages. A judgment may
29 include attorney's fees and costs. The parents or legal
30 guardians, other than guardians appointed pursuant to the
31 Juvenile Court Act or the Juvenile Court Act of 1987, of an
32 unemancipated minor shall be liable for the amount of any
33 judgment for actual damages rendered against such minor under
34 this subsection (c) in any amount not exceeding the amount

1 provided under Section 5 of the Parental Responsibility Law.

2 (d) "Sexual orientation" means heterosexuality,
3 homosexuality, or bisexuality.

4 (Source: P.A. 92-830, eff. 1-1-03.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.