



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB3680

Introduced 2/24/2009, by Rep. Emily McAsey

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-6.4

Amends the Criminal Code of 1961. Changes the offense of criminal street gang recruitment on school grounds or public property adjacent to school grounds to criminal street gang recruitment on school grounds, public property adjacent to school grounds, or park district property. Eliminates from the elements of the offense that the person must threaten the use of physical force. Provides that criminal street gang recruitment on school grounds, public property adjacent to school grounds, or park district property is a Class 2 felony if the person did not threaten the use of physical force during the commission of the offense and a Class 1 felony if the person threatened the use of physical force during the commission of the offense.

LRB096 09939 RLC 20103 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 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, or park  
9 district property.

10 (a) A person commits the offense of criminal street gang  
11 recruitment on school grounds, ~~or~~ public property adjacent to  
12 school grounds, or park district property when on school  
13 grounds, ~~or~~ public property adjacent to school grounds, or park  
14 district property, he or she coerces, solicits, recruits, or  
15 induces ~~threatens the use of physical force to coerce, solicit,~~  
16 ~~recruit, or induce~~ another person to join or remain a member of  
17 a criminal street gang, or conspires to do so.

18 (b) Sentence. Criminal street gang recruitment on school  
19 grounds, ~~or~~ public property adjacent to school grounds, or on  
20 park district property is a Class 1 felony if the person  
21 threatened the use of physical force during the commission of  
22 the offense. Criminal street gang recruitment on school  
23 grounds, public property adjacent to school grounds, or on park

1 district property is a Class 2 felony if the person did not  
2 threaten the use of physical force during the commission of the  
3 offense.

4 (c) In this Section, "criminal street gang" has the meaning  
5 ascribed to it in Section 10 of the Illinois Streetgang  
6 Terrorism Omnibus Prevention Act and "school grounds" means the  
7 building or buildings or real property comprising a public or  
8 private elementary or secondary school, community college,  
9 college, or university and includes a school yard, school  
10 playing field, or school playground.

11 (Source: P.A. 93-938, eff. 1-1-05.)