



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

**HB4308**

by Rep. Jerry F. Costello, II, John E. Bradley, Daniel V. Beiser and Brandon W. Phelps

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-7.1  
730 ILCS 5/5-5-3.2

from Ch. 38, par. 12-7.1

Amends the Criminal Code of 2012. Provides that a person also commits a hate crime when because another individual or group of individuals was wearing a uniform of a member of the United States Armed Forces or National Guard or was wearing United States veterans' organization regalia, he or she commits, regardless of the existence of any other motivating factor or factors, 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 against that individual or group of individuals. Amends the Unified Code of Corrections. Provides that it is an aggravating factor in sentencing that because another individual was wearing a uniform of a member of the United States Armed Forces or National Guard or was wearing United States veterans' organization regalia, the defendant committed the offense against (1) the person or property of that individual; (2) the person or property of a person who has an association with, is married to, or has a friendship with the other individual; or (3) the person or property of a relative (by blood or marriage) of that person. Effective immediately.

LRB099 14107 RLC 38648 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 (Text of Section before amendment by P.A. 99-77)

8 Sec. 12-7.1. Hate crime.

9 (a) A person commits hate crime when, by reason of the  
10 actual or perceived race, color, creed, religion, ancestry,  
11 gender, sexual orientation, physical or mental disability, or  
12 national origin of another individual or group of individuals  
13 or because that other individual or group of individuals was  
14 wearing a uniform of a member of the United States Armed Forces  
15 or National Guard or was wearing United States veterans'  
16 organization regalia, regardless of the existence of any other  
17 motivating factor or factors, he or she commits assault,  
18 battery, aggravated assault, misdemeanor theft, criminal  
19 trespass to residence, misdemeanor criminal damage to  
20 property, criminal trespass to vehicle, criminal trespass to  
21 real property, mob action, disorderly conduct, harassment by  
22 telephone, or harassment through electronic communications as  
23 these crimes are defined in Sections 12-1, 12-2, 12-3(a), 16-1,

1 19-4, 21-1, 21-2, 21-3, 25-1, 26-1, 26.5-2, and paragraphs  
2 (a) (2) and (a) (5) of Section 26.5-3 of this Code, respectively.

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

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

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

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

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

18 (4) in a public park or an ethnic or religious  
19 community center;

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

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

26 (b-10) Upon imposition of any sentence, the trial court

1 shall also either order restitution paid to the victim or  
2 impose a fine up to \$1,000. In addition, any order of probation  
3 or conditional discharge entered following a conviction or an  
4 adjudication of delinquency shall include a condition that the  
5 offender perform public or community service of no less than  
6 200 hours if that service is established in the county where  
7 the offender was convicted of hate crime. In addition, any  
8 order of probation or conditional discharge entered following a  
9 conviction or an adjudication of delinquency shall include a  
10 condition that the offender enroll in an educational program  
11 discouraging hate crimes if the offender caused criminal damage  
12 to property consisting of religious fixtures, objects, or  
13 decorations. The educational program may be administered, as  
14 determined by the court, by a university, college, community  
15 college, non-profit organization, or the Holocaust and  
16 Genocide Commission. Nothing in this subsection (b-10)  
17 prohibits courses discouraging hate crimes from being made  
18 available online. The court may also impose any other condition  
19 of probation or conditional discharge under this Section.

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

1 other than guardians appointed pursuant to the Juvenile Court  
2 Act or the Juvenile Court Act of 1987, of an unemancipated  
3 minor shall be liable for the amount of any judgment for actual  
4 damages rendered against such minor under this subsection (c)  
5 in any amount not exceeding the amount provided under Section 5  
6 of the Parental Responsibility Law.

7 (d) In this Section:

8 "Sexual orientation" means heterosexuality,  
9 homosexuality, or bisexuality.

10 "Veterans' organization" means an organization  
11 comprised of members of which substantially all are  
12 individuals who are veterans or spouses, widows, or  
13 widowers of veterans, the primary purpose of which is to  
14 promote the welfare of its members and to provide  
15 assistance to the general public in such a way as to confer  
16 a public benefit.

17 (Source: P.A. 96-1551, eff. 7-1-11; 97-161, eff. 1-1-12;  
18 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13.)

19 (Text of Section after amendment by P.A. 99-77)

20 Sec. 12-7.1. Hate crime.

21 (a) A person commits hate crime when, by reason of the  
22 actual or perceived race, color, creed, religion, ancestry,  
23 gender, sexual orientation, physical or mental disability, or  
24 national origin of another individual or group of individuals  
25 or because that other individual or group of individuals was

1 wearing a uniform of a member of the United States Armed Forces  
2 or National Guard or was wearing United States veterans'  
3 organization regalia, regardless of the existence of any other  
4 motivating factor or factors, he or she commits assault,  
5 battery, aggravated assault, misdemeanor theft, criminal  
6 trespass to residence, misdemeanor criminal damage to  
7 property, criminal trespass to vehicle, criminal trespass to  
8 real property, mob action, disorderly conduct, harassment by  
9 telephone, or harassment through electronic communications as  
10 these crimes are defined in Sections 12-1, 12-2, 12-3(a), 16-1,  
11 19-4, 21-1, 21-2, 21-3, 25-1, 26-1, 26.5-2, and paragraphs  
12 (a) (2) and (a) (5) of Section 26.5-3 of this Code, respectively.

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

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

19 (1) in a church, synagogue, mosque, or other building,  
20 structure, or place used for religious worship or other  
21 religious purpose;

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

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

1 other educational facility;

2 (4) in a public park or an ethnic or religious  
3 community center;

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

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

10 (b-10) Upon imposition of any sentence, the trial court  
11 shall also either order restitution paid to the victim or  
12 impose a fine up to \$1,000. In addition, any order of probation  
13 or 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 a  
19 conviction or an adjudication of delinquency shall include a  
20 condition that the offender enroll in an educational program  
21 discouraging hate crimes if the offender caused criminal damage  
22 to property consisting of religious fixtures, objects, or  
23 decorations. The educational program may be administered, as  
24 determined by the court, by a university, college, community  
25 college, non-profit organization, or the Holocaust and  
26 Genocide Commission. Nothing in this subsection (b-10)

1 prohibits courses discouraging hate crimes from being made  
2 available online. The court may also impose any other condition  
3 of probation or conditional discharge under this Section.

4 (c) Independent of any criminal prosecution or the result  
5 thereof, any person suffering injury to his person or damage to  
6 his property as a result of hate crime may bring a civil action  
7 for damages, injunction or other appropriate relief. The court  
8 may award actual damages, including damages for emotional  
9 distress, or punitive damages. A judgment may include  
10 attorney's fees and costs. The parents or legal guardians,  
11 other than guardians appointed pursuant to the Juvenile Court  
12 Act or the Juvenile Court Act of 1987, of an unemancipated  
13 minor shall be liable for the amount of any judgment for actual  
14 damages rendered against such minor under this subsection (c)  
15 in any amount not exceeding the amount provided under Section 5  
16 of the Parental Responsibility Law.

17 (d) In this Section:

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

21 "Veterans' organization" means an organization  
22 comprised of members of which substantially all are  
23 individuals who are veterans or spouses, widows, or  
24 widowers of veterans, the primary purpose of which is to  
25 promote the welfare of its members and to provide  
26 assistance to the general public in such a way as to confer



1           a public benefit.

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

3           Section 10. The Unified Code of Corrections is amended by  
4           changing Section 5-5-3.2 as follows:

5           (730 ILCS 5/5-5-3.2)

6           Sec. 5-5-3.2. Factors in Aggravation and Extended-Term  
7           Sentencing.

8           (a) The following factors shall be accorded weight in favor  
9           of imposing a term of imprisonment or may be considered by the  
10          court as reasons to impose a more severe sentence under Section  
11          5-8-1 or Article 4.5 of Chapter V:

12                 (1) the defendant's conduct caused or threatened  
13                 serious harm;

14                 (2) the defendant received compensation for committing  
15                 the offense;

16                 (3) the defendant has a history of prior delinquency or  
17                 criminal activity;

18                 (4) the defendant, by the duties of his office or by  
19                 his position, was obliged to prevent the particular offense  
20                 committed or to bring the offenders committing it to  
21                 justice;

22                 (5) the defendant held public office at the time of the  
23                 offense, and the offense related to the conduct of that  
24                 office;

1           (6) the defendant utilized his professional reputation  
2 or position in the community to commit the offense, or to  
3 afford him an easier means of committing it;

4           (7) the sentence is necessary to deter others from  
5 committing the same crime;

6           (8) the defendant committed the offense against a  
7 person 60 years of age or older or such person's property;

8           (9) the defendant committed the offense against a  
9 person who is physically handicapped or such person's  
10 property;

11           (10) by reason of another individual's actual or  
12 perceived race, color, creed, religion, ancestry, gender,  
13 sexual orientation, physical or mental disability, or  
14 national origin or because that individual was wearing a  
15 uniform of a member of the United States Armed Forces or  
16 National Guard or was wearing United States veterans'  
17 organization regalia, the defendant committed the offense  
18 against (i) the person or property of that individual; (ii)  
19 the person or property of a person who has an association  
20 with, is married to, or has a friendship with the other  
21 individual; or (iii) the person or property of a relative  
22 (by blood or marriage) of a person described in clause (i)  
23 or (ii). For the purposes of this Section, "sexual  
24 orientation" means heterosexuality, homosexuality, or  
25 bisexuality;

26           (11) the offense took place in a place of worship or on

1 the grounds of a place of worship, immediately prior to,  
2 during or immediately following worship services. For  
3 purposes of this subparagraph, "place of worship" shall  
4 mean any church, synagogue or other building, structure or  
5 place used primarily for religious worship;

6 (12) the defendant was convicted of a felony committed  
7 while he was released on bail or his own recognizance  
8 pending trial for a prior felony and was convicted of such  
9 prior felony, or the defendant was convicted of a felony  
10 committed while he was serving a period of probation,  
11 conditional discharge, or mandatory supervised release  
12 under subsection (d) of Section 5-8-1 for a prior felony;

13 (13) the defendant committed or attempted to commit a  
14 felony while he was wearing a bulletproof vest. For the  
15 purposes of this paragraph (13), a bulletproof vest is any  
16 device which is designed for the purpose of protecting the  
17 wearer from bullets, shot or other lethal projectiles;

18 (14) the defendant held a position of trust or  
19 supervision such as, but not limited to, family member as  
20 defined in Section 11-0.1 of the Criminal Code of 2012,  
21 teacher, scout leader, baby sitter, or day care worker, in  
22 relation to a victim under 18 years of age, and the  
23 defendant committed an offense in violation of Section  
24 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
25 11-14.4 except for an offense that involves keeping a place  
26 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,

1 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
2 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
3 of 2012 against that victim;

4 (15) the defendant committed an offense related to the  
5 activities of an organized gang. For the purposes of this  
6 factor, "organized gang" has the meaning ascribed to it in  
7 Section 10 of the Streetgang Terrorism Omnibus Prevention  
8 Act;

9 (16) the defendant committed an offense in violation of  
10 one of the following Sections while in a school, regardless  
11 of the time of day or time of year; on any conveyance  
12 owned, leased, or contracted by a school to transport  
13 students to or from school or a school related activity; on  
14 the real property of a school; or on a public way within  
15 1,000 feet of the real property comprising any school:  
16 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
17 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
18 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
19 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
20 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
21 (a) (4) or (g) (1), of the Criminal Code of 1961 or the  
22 Criminal Code of 2012;

23 (16.5) the defendant committed an offense in violation  
24 of one of the following Sections while in a day care  
25 center, regardless of the time of day or time of year; on  
26 the real property of a day care center, regardless of the

1 time of day or time of year; or on a public way within  
2 1,000 feet of the real property comprising any day care  
3 center, regardless of the time of day or time of year:  
4 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
5 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
6 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
7 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
8 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
9 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
10 Criminal Code of 2012;

11 (17) the defendant committed the offense by reason of  
12 any person's activity as a community policing volunteer or  
13 to prevent any person from engaging in activity as a  
14 community policing volunteer. For the purpose of this  
15 Section, "community policing volunteer" has the meaning  
16 ascribed to it in Section 2-3.5 of the Criminal Code of  
17 2012;

18 (18) the defendant committed the offense in a nursing  
19 home or on the real property comprising a nursing home. For  
20 the purposes of this paragraph (18), "nursing home" means a  
21 skilled nursing or intermediate long term care facility  
22 that is subject to license by the Illinois Department of  
23 Public Health under the Nursing Home Care Act, the  
24 Specialized Mental Health Rehabilitation Act of 2013, or  
25 the ID/DD Community Care Act;

26 (19) the defendant was a federally licensed firearm

1 dealer and was previously convicted of a violation of  
2 subsection (a) of Section 3 of the Firearm Owners  
3 Identification Card Act and has now committed either a  
4 felony violation of the Firearm Owners Identification Card  
5 Act or an act of armed violence while armed with a firearm;

6 (20) the defendant (i) committed the offense of  
7 reckless homicide under Section 9-3 of the Criminal Code of  
8 1961 or the Criminal Code of 2012 or the offense of driving  
9 under the influence of alcohol, other drug or drugs,  
10 intoxicating compound or compounds or any combination  
11 thereof under Section 11-501 of the Illinois Vehicle Code  
12 or a similar provision of a local ordinance and (ii) was  
13 operating a motor vehicle in excess of 20 miles per hour  
14 over the posted speed limit as provided in Article VI of  
15 Chapter 11 of the Illinois Vehicle Code;

16 (21) the defendant (i) committed the offense of  
17 reckless driving or aggravated reckless driving under  
18 Section 11-503 of the Illinois Vehicle Code and (ii) was  
19 operating a motor vehicle in excess of 20 miles per hour  
20 over the posted speed limit as provided in Article VI of  
21 Chapter 11 of the Illinois Vehicle Code;

22 (22) the defendant committed the offense against a  
23 person that the defendant knew, or reasonably should have  
24 known, was a member of the Armed Forces of the United  
25 States serving on active duty. For purposes of this clause  
26 (22), the term "Armed Forces" means any of the Armed Forces

1 of the United States, including a member of any reserve  
2 component thereof or National Guard unit called to active  
3 duty;

4 (23) the defendant committed the offense against a  
5 person who was elderly, disabled, or infirm by taking  
6 advantage of a family or fiduciary relationship with the  
7 elderly, disabled, or infirm person;

8 (24) the defendant committed any offense under Section  
9 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
10 of 2012 and possessed 100 or more images;

11 (25) the defendant committed the offense while the  
12 defendant or the victim was in a train, bus, or other  
13 vehicle used for public transportation;

14 (26) the defendant committed the offense of child  
15 pornography or aggravated child pornography, specifically  
16 including paragraph (1), (2), (3), (4), (5), or (7) of  
17 subsection (a) of Section 11-20.1 of the Criminal Code of  
18 1961 or the Criminal Code of 2012 where a child engaged in,  
19 solicited for, depicted in, or posed in any act of sexual  
20 penetration or bound, fettered, or subject to sadistic,  
21 masochistic, or sadomasochistic abuse in a sexual context  
22 and specifically including paragraph (1), (2), (3), (4),  
23 (5), or (7) of subsection (a) of Section 11-20.1B or  
24 Section 11-20.3 of the Criminal Code of 1961 where a child  
25 engaged in, solicited for, depicted in, or posed in any act  
26 of sexual penetration or bound, fettered, or subject to

1 sadistic, masochistic, or sadomasochistic abuse in a  
2 sexual context;

3 (27) the defendant committed the offense of first  
4 degree murder, assault, aggravated assault, battery,  
5 aggravated battery, robbery, armed robbery, or aggravated  
6 robbery against a person who was a veteran and the  
7 defendant knew, or reasonably should have known, that the  
8 person was a veteran performing duties as a representative  
9 of a veterans' organization. For the purposes of this  
10 paragraph (27), "veteran" means an Illinois resident who  
11 has served as a member of the United States Armed Forces, a  
12 member of the Illinois National Guard, or a member of the  
13 United States Reserve Forces; and "veterans' organization"  
14 means an organization comprised of members of which  
15 substantially all are individuals who are veterans or  
16 spouses, widows, or widowers of veterans, the primary  
17 purpose of which is to promote the welfare of its members  
18 and to provide assistance to the general public in such a  
19 way as to confer a public benefit; or

20 (28) the defendant committed the offense of assault,  
21 aggravated assault, battery, aggravated battery, robbery,  
22 armed robbery, or aggravated robbery against a person that  
23 the defendant knew or reasonably should have known was a  
24 letter carrier or postal worker while that person was  
25 performing his or her duties delivering mail for the United  
26 States Postal Service.



1 For the purposes of this Section:

2 "School" is defined as a public or private elementary or  
3 secondary school, community college, college, or university.

4 "Day care center" means a public or private State certified  
5 and licensed day care center as defined in Section 2.09 of the  
6 Child Care Act of 1969 that displays a sign in plain view  
7 stating that the property is a day care center.

8 "Public transportation" means the transportation or  
9 conveyance of persons by means available to the general public,  
10 and includes paratransit services.

11 "Veterans' organization" means an organization comprised  
12 of members of which substantially all are individuals who are  
13 veterans or spouses, widows, or widowers of veterans, the  
14 primary purpose of which is to promote the welfare of its  
15 members and to provide assistance to the general public in such  
16 a way as to confer a public benefit.

17 (b) The following factors, related to all felonies, may be  
18 considered by the court as reasons to impose an extended term  
19 sentence under Section 5-8-2 upon any offender:

20 (1) When a defendant is convicted of any felony, after  
21 having been previously convicted in Illinois or any other  
22 jurisdiction of the same or similar class felony or greater  
23 class felony, when such conviction has occurred within 10  
24 years after the previous conviction, excluding time spent  
25 in custody, and such charges are separately brought and  
26 tried and arise out of different series of acts; or

1           (2) When a defendant is convicted of any felony and the  
2 court finds that the offense was accompanied by  
3 exceptionally brutal or heinous behavior indicative of  
4 wanton cruelty; or

5           (3) When a defendant is convicted of any felony  
6 committed against:

7                 (i) a person under 12 years of age at the time of  
8 the offense or such person's property;

9                 (ii) a person 60 years of age or older at the time  
10 of the offense or such person's property; or

11                (iii) a person physically handicapped at the time  
12 of the offense or such person's property; or

13           (4) When a defendant is convicted of any felony and the  
14 offense involved any of the following types of specific  
15 misconduct committed as part of a ceremony, rite,  
16 initiation, observance, performance, practice or activity  
17 of any actual or ostensible religious, fraternal, or social  
18 group:

19                 (i) the brutalizing or torturing of humans or  
20 animals;

21                 (ii) the theft of human corpses;

22                 (iii) the kidnapping of humans;

23                 (iv) the desecration of any cemetery, religious,  
24 fraternal, business, governmental, educational, or  
25 other building or property; or

26                 (v) ritualized abuse of a child; or

1           (5) When a defendant is convicted of a felony other  
2 than conspiracy and the court finds that the felony was  
3 committed under an agreement with 2 or more other persons  
4 to commit that offense and the defendant, with respect to  
5 the other individuals, occupied a position of organizer,  
6 supervisor, financier, or any other position of management  
7 or leadership, and the court further finds that the felony  
8 committed was related to or in furtherance of the criminal  
9 activities of an organized gang or was motivated by the  
10 defendant's leadership in an organized gang; or

11           (6) When a defendant is convicted of an offense  
12 committed while using a firearm with a laser sight attached  
13 to it. For purposes of this paragraph, "laser sight" has  
14 the meaning ascribed to it in Section 26-7 of the Criminal  
15 Code of 2012; or

16           (7) When a defendant who was at least 17 years of age  
17 at the time of the commission of the offense is convicted  
18 of a felony and has been previously adjudicated a  
19 delinquent minor under the Juvenile Court Act of 1987 for  
20 an act that if committed by an adult would be a Class X or  
21 Class 1 felony when the conviction has occurred within 10  
22 years after the previous adjudication, excluding time  
23 spent in custody; or

24           (8) When a defendant commits any felony and the  
25 defendant used, possessed, exercised control over, or  
26 otherwise directed an animal to assault a law enforcement

1 officer engaged in the execution of his or her official  
2 duties or in furtherance of the criminal activities of an  
3 organized gang in which the defendant is engaged; or

4 (9) When a defendant commits any felony and the  
5 defendant knowingly video or audio records the offense with  
6 the intent to disseminate the recording.

7 (c) The following factors may be considered by the court as  
8 reasons to impose an extended term sentence under Section 5-8-2  
9 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

10 (1) When a defendant is convicted of first degree  
11 murder, after having been previously convicted in Illinois  
12 of any offense listed under paragraph (c)(2) of Section  
13 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred  
14 within 10 years after the previous conviction, excluding  
15 time spent in custody, and the charges are separately  
16 brought and tried and arise out of different series of  
17 acts.

18 (1.5) When a defendant is convicted of first degree  
19 murder, after having been previously convicted of domestic  
20 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
21 (720 ILCS 5/12-3.3) committed on the same victim or after  
22 having been previously convicted of violation of an order  
23 of protection (720 ILCS 5/12-30) in which the same victim  
24 was the protected person.

25 (2) When a defendant is convicted of voluntary  
26 manslaughter, second degree murder, involuntary

1           manslaughter, or reckless homicide in which the defendant  
2           has been convicted of causing the death of more than one  
3           individual.

4           (3) When a defendant is convicted of aggravated  
5           criminal sexual assault or criminal sexual assault, when  
6           there is a finding that aggravated criminal sexual assault  
7           or criminal sexual assault was also committed on the same  
8           victim by one or more other individuals, and the defendant  
9           voluntarily participated in the crime with the knowledge of  
10          the participation of the others in the crime, and the  
11          commission of the crime was part of a single course of  
12          conduct during which there was no substantial change in the  
13          nature of the criminal objective.

14          (4) If the victim was under 18 years of age at the time  
15          of the commission of the offense, when a defendant is  
16          convicted of aggravated criminal sexual assault or  
17          predatory criminal sexual assault of a child under  
18          subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
19          of Section 12-14.1 of the Criminal Code of 1961 or the  
20          Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

21          (5) When a defendant is convicted of a felony violation  
22          of Section 24-1 of the Criminal Code of 1961 or the  
23          Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
24          finding that the defendant is a member of an organized  
25          gang.

26          (6) When a defendant was convicted of unlawful use of

1 weapons under Section 24-1 of the Criminal Code of 1961 or  
2 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
3 a weapon that is not readily distinguishable as one of the  
4 weapons enumerated in Section 24-1 of the Criminal Code of  
5 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

6 (7) When a defendant is convicted of an offense  
7 involving the illegal manufacture of a controlled  
8 substance under Section 401 of the Illinois Controlled  
9 Substances Act (720 ILCS 570/401), the illegal manufacture  
10 of methamphetamine under Section 25 of the Methamphetamine  
11 Control and Community Protection Act (720 ILCS 646/25), or  
12 the illegal possession of explosives and an emergency  
13 response officer in the performance of his or her duties is  
14 killed or injured at the scene of the offense while  
15 responding to the emergency caused by the commission of the  
16 offense. In this paragraph, "emergency" means a situation  
17 in which a person's life, health, or safety is in jeopardy;  
18 and "emergency response officer" means a peace officer,  
19 community policing volunteer, fireman, emergency medical  
20 technician-ambulance, emergency medical  
21 technician-intermediate, emergency medical  
22 technician-paramedic, ambulance driver, other medical  
23 assistance or first aid personnel, or hospital emergency  
24 room personnel.

25 (8) When the defendant is convicted of attempted mob  
26 action, solicitation to commit mob action, or conspiracy to

1           commit mob action under Section 8-1, 8-2, or 8-4 of the  
2           Criminal Code of 2012, where the criminal object is a  
3           violation of Section 25-1 of the Criminal Code of 2012, and  
4           an electronic communication is used in the commission of  
5           the offense. For the purposes of this paragraph (8),  
6           "electronic communication" shall have the meaning provided  
7           in Section 26.5-0.1 of the Criminal Code of 2012.

8           (d) For the purposes of this Section, "organized gang" has  
9           the meaning ascribed to it in Section 10 of the Illinois  
10          Streetgang Terrorism Omnibus Prevention Act.

11          (e) The court may impose an extended term sentence under  
12          Article 4.5 of Chapter V upon an offender who has been  
13          convicted of a felony violation of Section 11-1.20, 11-1.30,  
14          11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
15          12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
16          when the victim of the offense is under 18 years of age at the  
17          time of the commission of the offense and, during the  
18          commission of the offense, the victim was under the influence  
19          of alcohol, regardless of whether or not the alcohol was  
20          supplied by the offender; and the offender, at the time of the  
21          commission of the offense, knew or should have known that the  
22          victim had consumed alcohol.

23          (Source: P.A. 97-38, eff. 6-28-11, 97-227, eff. 1-1-12; 97-333,  
24          eff. 8-12-11; 97-693, eff. 1-1-13; 97-1108, eff. 1-1-13;  
25          97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-14, eff.  
26          1-1-14; 98-104, eff. 7-22-13; 98-385, eff. 1-1-14; 98-756, eff.

1 7-16-14.)

2 Section 95. No acceleration or delay. Where this Act makes  
3 changes in a statute that is represented in this Act by text  
4 that is not yet or no longer in effect (for example, a Section  
5 represented by multiple versions), the use of that text does  
6 not accelerate or delay the taking effect of (i) the changes  
7 made by this Act or (ii) provisions derived from any other  
8 Public Act.

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.