



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB1801

by Rep. Michael P. McAuliffe

#### 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 services personnel of another individual or group of individuals, 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.

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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 services personnel  
14 of another individual or group of individuals, regardless of  
15 the existence of any other motivating factor or factors, he or  
16 she commits assault, battery, aggravated assault, misdemeanor  
17 theft, criminal trespass to residence, misdemeanor criminal  
18 damage to property, criminal trespass to vehicle, criminal  
19 trespass to real property, mob action, disorderly conduct,  
20 harassment by telephone, or harassment through electronic  
21 communications as these crimes are defined in Sections 12-1,  
22 12-2, 12-3(a), 16-1, 19-4, 21-1, 21-2, 21-3, 25-1, 26-1,  
23 26.5-2, and paragraphs (a)(2) and (a)(5) of Section 26.5-3 of

1 this Code, respectively.

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

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

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

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

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

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

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

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

25 (b-10) Upon imposition of any sentence, the trial court  
26 shall also either order restitution paid to the victim or

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

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

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

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

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