



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0392

by Rep. Thomas M. Bennett

SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Code of 2012. Provides that public indecency is a Class 4 felony if committed by a person 17 years or older who is within the secure grounds of a penal institution, youth center, correctional facility, or other facility used to detain a person charged with or convicted of a criminal offense. Provides that public indecency is a Class 3 felony (rather than Class 4 felony) if committed by a person 18 years of age or older who is on or within 500 feet of elementary or secondary school grounds when children are present on the grounds. Provides that a person commits mob action when he or she engages in the knowing or reckless use of force or violence that creates a disruption in the operations or programs within a State, county, or local youth center, correctional facility, or other facility used to detain any person charged with or convicted of a criminal offense by 2 or more persons acting together and without the authority of law. Provides that a participant in a mob action who does not withdraw when commanded to do so by a peace officer or correctional facility employee commits a Class 4 felony (rather than a Class A misdemeanor). Increases other criminal penalties relating to mob action. Provides that a person convicted for a violation of resisting or obstructing a peace officer, firefighter, or correctional employee whose violation was the proximate cause of an injury to a peace officer, firefighter, or correctional institution employee is guilty of a Class 3 felony (rather than a Class 4 felony). Defines "youth center".

LRB100 05362 SLF 15373 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 Sections 11-30, 25-1, and 31-1 and by adding Section 2-23 as
6 follows:

7 (720 ILCS 5/2-23 new)

8 Sec. 2-23. "Youth center".

9 "Youth center" means a facility operated by the Department
10 of Juvenile Justice or other juvenile detention facility.

11 (720 ILCS 5/11-30) (was 720 ILCS 5/11-9)

12 Sec. 11-30. Public indecency.

13 (a) Any person of the age of 17 years and upwards who
14 performs any of the following acts in a public place commits a
15 public indecency:

16 (1) An act of sexual penetration or sexual conduct; or

17 (2) A lewd exposure of the body done with intent to
18 arouse or to satisfy the sexual desire of the person.

19 Breast-feeding of infants is not an act of public
20 indecency.

21 (b) "Public place" for purposes of this Section means any
22 place where the conduct may reasonably be expected to be viewed

1 by others.

2 (c) Sentence.

3 Public indecency is a Class A misdemeanor. A person
4 convicted of a third or subsequent violation for public
5 indecency is guilty of a Class 4 felony. Public indecency is a
6 Class 4 felony if committed by a person 17 years or older who
7 is within the secure grounds of a penal institution, youth
8 center, correctional facility, or other facility used to detain
9 a person charged with or convicted of a criminal offense.

10 Public indecency is a Class 3 4 felony if committed by a person
11 18 years of age or older who is on or within 500 feet of
12 elementary or secondary school grounds when children are
13 present on the grounds.

14 (Source: P.A. 96-1098, eff. 1-1-11; 96-1551, eff. 7-1-11.)

15 (720 ILCS 5/25-1) (from Ch. 38, par. 25-1)

16 Sec. 25-1. Mob action.

17 (a) A person commits mob action when he or she engages in
18 any of the following:

19 (1) the knowing or reckless use of force or violence
20 disturbing the public peace by 2 or more persons acting
21 together and without authority of law;

22 (1.5) the knowing or reckless use of force or violence
23 that creates a disruption in the operations or programs
24 within a State, county, youth center, correctional
25 facility, or other facility used to detain any person

1 charged with or convicted of a criminal offense by 2 or
2 more persons acting together and without the authority of
3 law;

4 (2) the knowing assembly of 2 or more persons with the
5 intent to commit or facilitate the commission of a felony
6 or misdemeanor; or

7 (3) the knowing assembly of 2 or more persons, without
8 authority of law, for the purpose of doing violence to the
9 person or property of anyone supposed to have been guilty
10 of a violation of the law, or for the purpose of exercising
11 correctional powers or regulative powers over any person by
12 violence.

13 (b) Sentence.

14 (1) Mob action in violation of paragraph (1) or (1.5)
15 of subsection (a) is a Class 3 ~~4~~ felony.

16 (2) Mob action in violation of ~~paragraph paragraphs~~ (2)
17 or and (3) of subsection (a) is a Class C misdemeanor.

18 (3) A participant in a mob action that by violence
19 inflicts injury to the person or property of another
20 commits a Class 2 ~~4~~ felony.

21 (4) A participant in a mob action who does not withdraw
22 when commanded to do so by a peace officer or correctional
23 facility employee commits a Class 4 ~~felony~~ ~~A misdemeanor~~.

24 (5) In addition to any other sentence that may be
25 imposed, a court shall order any person convicted of mob
26 action to perform community service for not less than 30

1 and not more than 120 hours, if community service is
2 available in the jurisdiction and is funded and approved by
3 the county board of the county where the offense was
4 committed. In addition, whenever any person is placed on
5 supervision for an alleged offense under this Section, the
6 supervision shall be conditioned upon the performance of
7 the community service. This paragraph does not apply when
8 the court imposes a sentence of incarceration.

9 (Source: P.A. 96-710, eff. 1-1-10; 97-1108, eff. 1-1-13.)

10 (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

11 Sec. 31-1. Resisting or obstructing a peace officer,
12 firefighter, or correctional institution employee.

13 (a) A person who knowingly resists or obstructs the
14 performance by one known to the person to be a peace officer,
15 firefighter, or correctional institution employee of any
16 authorized act within his or her official capacity commits a
17 Class A misdemeanor.

18 (a-5) In addition to any other sentence that may be
19 imposed, a court shall order any person convicted of resisting
20 or obstructing a peace officer, firefighter, or correctional
21 institution employee to be sentenced to a minimum of 48
22 consecutive hours of imprisonment or ordered to perform
23 community service for not less than 100 hours as may be
24 determined by the court. The person shall not be eligible for
25 probation in order to reduce the sentence of imprisonment or

1 community service.

2 (a-7) A person convicted for a violation of this Section
3 whose violation was the proximate cause of an injury to a peace
4 officer, firefighter, or correctional institution employee is
5 guilty of a Class 3 ~~4~~ felony.

6 (b) For purposes of this Section, "correctional
7 institution employee" means any person employed to supervise
8 and control inmates incarcerated in a penitentiary, State farm,
9 reformatory, prison, jail, house of correction, police
10 detention area, half-way house, or other institution or place
11 for the incarceration or custody of persons under sentence for
12 offenses or awaiting trial or sentence for offenses, under
13 arrest for an offense, a violation of probation, a violation of
14 parole, a violation of aftercare release, a violation of
15 mandatory supervised release, or awaiting a bail setting
16 hearing or preliminary hearing, or who are sexually dangerous
17 persons or who are sexually violent persons; and "firefighter"
18 means any individual, either as an employee or volunteer, of a
19 regularly constituted fire department of a municipality or fire
20 protection district who performs fire fighting duties,
21 including, but not limited to, the fire chief, assistant fire
22 chief, captain, engineer, driver, ladder person, hose person,
23 pipe person, and any other member of a regularly constituted
24 fire department. "Firefighter" also means a person employed by
25 the Office of the State Fire Marshal to conduct arson
26 investigations.

1 (c) It is an affirmative defense to a violation of this
2 Section if a person resists or obstructs the performance of one
3 known by the person to be a firefighter by returning to or
4 remaining in a dwelling, residence, building, or other
5 structure to rescue or to attempt to rescue any person.

6 (Source: P.A. 98-558, eff. 1-1-14.)

1 INDEX

2 Statutes amended in order of appearance

3 720 ILCS 5/2-23 new

4 720 ILCS 5/11-30 was 720 ILCS 5/11-9

5 720 ILCS 5/25-1 from Ch. 38, par. 25-1

6 720 ILCS 5/31-1 from Ch. 38, par. 31-1