

HB0778



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0778

by Rep. Daniel V. Beiser

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

23 (b) Except as provided in subsection (b-5), hate crime is a

1 Class 4 felony for a first offense and a Class 2 felony for a
2 second or subsequent offense.

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

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

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

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

15 (4) in a public park or an ethnic or religious
16 community center;

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

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

23 (b-10) Upon imposition of any sentence, the trial court
24 shall also either order restitution paid to the victim or
25 impose a fine up to \$1,000. In addition, any order of probation
26 or conditional discharge entered following a conviction or an

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

17 (c) Independent of any criminal prosecution or the result
18 thereof, any person suffering injury to his person or damage to
19 his property as a result of hate crime may bring a civil action
20 for damages, injunction or other appropriate relief. The court
21 may award actual damages, including damages for emotional
22 distress, or punitive damages. A judgment may include
23 attorney's fees and costs. The parents or legal guardians,
24 other than guardians appointed pursuant to the Juvenile Court
25 Act or the Juvenile Court Act of 1987, of an unemancipated
26 minor shall be liable for the amount of any judgment for actual

1 damages rendered against such minor under this subsection (c)
2 in any amount not exceeding the amount provided under Section 5
3 of the Parental Responsibility Law.

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

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