



Rep. Chad Hays

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10000HB2552ham001

LRB100 10731 HEP 22321 a

1 AMENDMENT TO HOUSE BILL 2552

2 AMENDMENT NO. _____. Amend House Bill 2552 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Streetgang Terrorism Omnibus
5 Prevention Act is amended by changing Section 10 as follows:

6 (740 ILCS 147/10)

7 Sec. 10. Definitions.

8 "Course or pattern of criminal activity" means 2 or more
9 gang-related criminal offenses committed in whole or in part
10 within this State when:

11 (1) at least one such offense was committed after the
12 effective date of this Act;

13 (2) both offenses were committed within 5 years of each
14 other; and

15 (3) at least one offense involved the solicitation to
16 commit, conspiracy to commit, attempt to commit, or

1 commission of any offense defined as a felony or forcible
2 felony under the Criminal Code of 1961 or the Criminal Code
3 of 2012.

4 "Course or pattern of criminal activity" also means one or
5 more acts of criminal defacement of property under Section
6 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
7 2012, if the defacement includes a sign or other symbol
8 intended to identify the streetgang.

9 "Designee of State's Attorney" or "designee" means any
10 attorney for a public authority who has received written
11 permission from the State's Attorney to file or join in a civil
12 action authorized by this Act.

13 "Public authority" means any unit of local government or
14 school district created or established under the Constitution
15 or laws of this State.

16 "State's Attorney" means the State's Attorney of any county
17 where an offense constituting a part of a course or pattern of
18 gang-related criminal activity has occurred or has been
19 committed.

20 "Streetgang" or "gang" or "organized gang" or "criminal
21 street gang" means any combination, confederation, alliance,
22 network, conspiracy, understanding, or other similar
23 conjoining, in law or in fact, of 3 or more persons ~~with an~~
24 ~~established hierarchy~~ that, through its membership or through
25 the agency of any member engages in a course or pattern of
26 criminal activity.

1 For purposes of this Act, it shall not be necessary to show
2 that a particular conspiracy, combination, or conjoining of
3 persons possesses, acknowledges, or is known by any common
4 name, insignia, flag, means of recognition, secret signal or
5 code, creed, belief, structure, leadership or command
6 structure, method of operation or criminal enterprise,
7 concentration or specialty, membership, age, or other
8 qualifications, initiation rites, geographical or territorial
9 situs or boundary or location, or other unifying mark, manner,
10 protocol or method of expressing or indicating membership when
11 the conspiracy's existence, in law or in fact, can be
12 demonstrated by a preponderance of other competent evidence.
13 However, any evidence reasonably tending to show or
14 demonstrate, in law or in fact, the existence of or membership
15 in any conspiracy, confederation, or other association
16 described herein, or probative of the existence of or
17 membership in any such association, shall be admissible in any
18 action or proceeding brought under this Act.

19 "Streetgang member" or "gang member" means any person who
20 actually and in fact belongs to a gang, and any person who
21 knowingly acts in the capacity of an agent for or accessory to,
22 or is legally accountable for, or voluntarily associates
23 himself with a course or pattern of gang-related criminal
24 activity, whether in a preparatory, executory, or cover-up
25 phase of any activity, or who knowingly performs, aids, or
26 abets any such activity.

1 "Streetgang related" or "gang-related" means any criminal
2 activity, enterprise, pursuit, or undertaking directed by,
3 ordered by, authorized by, consented to, agreed to, requested
4 by, acquiesced in, or ratified by any gang leader, officer, or
5 governing or policy-making person or authority, or by any
6 agent, representative, or deputy of any such officer, person,
7 or authority:

8 (1) with the intent to increase the gang's size,
9 membership, prestige, dominance, or control in any
10 geographical area; or

11 (2) with the intent to provide the gang with any
12 advantage in, or any control or dominance over any criminal
13 market sector, including but not limited to, the
14 manufacture, delivery, or sale of controlled substances or
15 cannabis; arson or arson-for-hire; traffic in stolen
16 property or stolen credit cards; traffic in prostitution,
17 obscenity, or pornography; or that involves robbery,
18 burglary, or theft; or

19 (3) with the intent to exact revenge or retribution for
20 the gang or any member of the gang; or

21 (4) with the intent to obstruct justice, or intimidate
22 or eliminate any witness against the gang or any member of
23 the gang; or

24 (5) with the intent to otherwise directly or indirectly
25 cause any benefit, aggrandizement, gain, profit or other
26 advantage whatsoever to or for the gang, its reputation,

1 influence, or membership.

2 (Source: P.A. 97-1150, eff. 1-25-13.)".