



Rep. Litesa E. Wallace

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10000HB3711ham002

LRB100 08058 RLC 24885 a

1 AMENDMENT TO HOUSE BILL 3711

2 AMENDMENT NO. _____. Amend House Bill 3711, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Criminal Code of 2012 is amended by
6 changing Section 12-7.1 as follows:

7 (720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)

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 regardless of the existence of any other motivating factor or
14 factors, he or she commits assault, battery, aggravated
15 assault, intimidation, stalking, cyberstalking, misdemeanor
16 theft, criminal trespass to residence, misdemeanor criminal

1 damage to property, criminal trespass to vehicle, criminal
2 trespass to real property, mob action, disorderly conduct,
3 transmission of obscene messages, harassment by telephone, or
4 harassment through electronic communications as these crimes
5 are defined in Sections 12-1, 12-2, 12-3(a), 12-7.3, 12-7.5,
6 16-1, 19-4, 21-1, 21-2, 21-3, 25-1, 26-1, 26.5-1, 26.5-2,
7 paragraphs (a)(1), (a)(2), and (a)(3) of Section 12-6, and
8 paragraphs (a)(2) and (a)(5) of Section 26.5-3 of this Code,
9 respectively.

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

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

16 (1) in a church, synagogue, mosque, or other building,
17 structure, or place used for religious worship or other
18 religious purpose;

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

21 (3) in a school or other educational facility,
22 including an administrative facility or public or private
23 dormitory facility of or associated with the school or
24 other educational facility;

25 (4) in a public park or an ethnic or religious
26 community center;

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

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

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

1 (c) Independent of any criminal prosecution or the result
2 of a criminal prosecution thereof, any person suffering injury
3 to his or her person, ~~or~~ damage to his or her property,
4 intimidation as defined in paragraphs (a)(1), (a)(2), and
5 (a)(3) of Section 12-6 of this Code, stalking as defined in
6 Section 12-7.3 of this Code, cyberstalking as defined in
7 Section 12-7.5 of this Code, disorderly conduct as defined in
8 paragraph (a)(1) of Section 26-1 of this Code, transmission of
9 obscene messages as defined in Section 26.5-1 of this Code,
10 harassment by telephone as defined in Section 26.5-2 of this
11 Code, or harassment through electronic communications as
12 defined in paragraphs (a)(2) and (a)(5) of Section 26.5-3 of
13 this Code as a result of hate crime may bring a civil action
14 for damages, injunction or other appropriate relief. The court
15 may award actual damages, including damages for emotional
16 distress, or punitive damages. The court may impose a civil
17 penalty up to \$25,000 for each violation of this subsection
18 (c). A judgment may include attorney's fees and costs. After
19 consulting with the local State's Attorney, the Attorney
20 General may bring a civil action in the name of the People of
21 the State for an injunction or other equitable relief under
22 this subsection (c). In addition, the Attorney General may
23 request and the court may impose a civil penalty up to \$25,000
24 for each violation under this subsection (c). The parents or
25 legal guardians, other than guardians appointed pursuant to the
26 Juvenile Court Act or the Juvenile Court Act of 1987, of an

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

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

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