

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 regardless of the existence of any other motivating factor or
13 factors, he or she commits assault, battery, aggravated
14 assault, intimidation, stalking, cyberstalking, misdemeanor
15 theft, criminal trespass to residence, misdemeanor criminal
16 damage to property, criminal trespass to vehicle, criminal
17 trespass to real property, mob action, disorderly conduct,
18 transmission of obscene messages, harassment by telephone, or
19 harassment through electronic communications as these crimes
20 are defined in Sections 12-1, 12-2, 12-3(a), 12-7.3, 12-7.5,
21 16-1, 19-4, 21-1, 21-2, 21-3, 25-1, 26-1, 26.5-1, 26.5-2,
22 paragraphs (a)(1), (a)(2), and (a)(3) of Section 12-6, and
23 paragraphs (a)(2) and (a)(5) of Section 26.5-3 of this Code,

1 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 of a criminal prosecution thereof, any person suffering injury
21 to his or her person, ~~or~~ damage to his or her property,
22 intimidation as defined in paragraphs (a)(1), (a)(2), and
23 (a)(3) of Section 12-6 of this Code, stalking as defined in
24 Section 12-7.3 of this Code, cyberstalking as defined in
25 Section 12-7.5 of this Code, disorderly conduct as defined in
26 paragraph (a)(1) of Section 26-1 of this Code, transmission of

1 obscene messages as defined in Section 26.5-1 of this Code,
2 harassment by telephone as defined in Section 26.5-2 of this
3 Code, or harassment through electronic communications as
4 defined in paragraphs (a) (2) and (a) (5) of Section 26.5-3 of
5 this Code as a result of hate crime may bring a civil action
6 for damages, injunction or other appropriate relief. The court
7 may award actual damages, including damages for emotional
8 distress, or punitive damages. The court may impose a civil
9 penalty up to \$25,000 for each violation of this subsection
10 (c). A judgment may include attorney's fees and costs. After
11 consulting with the local State's Attorney, the Attorney
12 General may bring a civil action in the name of the People of
13 the State for an injunction or other equitable relief under
14 this subsection (c). In addition, the Attorney General may
15 request and the court may impose a civil penalty up to \$25,000
16 for each violation under this subsection (c). The parents or
17 legal guardians, other than guardians appointed pursuant to the
18 Juvenile Court Act or the Juvenile Court Act of 1987, of an
19 unemancipated minor shall be liable for the amount of any
20 judgment for actual damages rendered against such minor under
21 this subsection (c) in any amount not exceeding the amount
22 provided under Section 5 of the Parental Responsibility Law.

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

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