



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4512

by Rep. Melissa Conyears-Ervin

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-6.6 new

Amends the Criminal Code of 2012. Creates the offense of streetgang member loitering. Provides that a person commits the offense when he or she is a streetgang member or is in the company of or acting in concert with a streetgang member and knowingly loiters in a public place under any of the following circumstances: (1) with intent to publicize a criminal streetgang's dominance over certain territory in order to intimidate non-members of the streetgang from entering, remaining in, or using the public place or adjacent area; or (2) with the intent to conceal ongoing commerce in illegal drugs or other unlawful activity. Provides that nothing in this provision shall be construed in any way to limit the power or right of a law enforcement officer to make any investigation, detention, or arrest as the law enforcement officer would be permitted to make in absence of this provision. Provides that a streetgang member or a person in the company of or acting in concert with a streetgang member who violates this provision is guilty of a Class A misdemeanor.

LRB100 16839 RLC 31980 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 adding
5 Section 12-6.6 as follows:

6 (720 ILCS 5/12-6.6 new)

7 Sec. 12-6.6. Streetgang member loitering.

8 (a) In this Section:

9 "Loiter" means:

10 (1) standing, sitting idly, whether or not the
11 person is in a vehicle, or remaining in or around a
12 public place including a school or public park
13 property;

14 (2) standing, sitting idly, whether or not the
15 person is in a vehicle, or remaining in or around a
16 public place including a school or public park
17 property; or

18 (3) entering or remaining in a building in or
19 around a public place, other than the person's
20 residence.

21 "Public place" means the public way and any other
22 location open to the public, whether publicly or privately
23 owned, including, but not limited to any street, sidewalk,

1 avenue, highway, road, curb area, alley, park, playground
2 or other public ground or public building, any common area
3 of a school, hospital, apartment house, office building,
4 transport facility, shop, privately owned place of
5 business, to which the public is invited, including any
6 place of amusement, entertainment, or eating place.
7 "Public place" also includes the front yard area, driveway
8 and walkway of any private residence, business, or
9 apartment house.

10 "Streetgang" and "streetgang member" have the meanings
11 ascribed to them in Section 10 of the Illinois Streetgang
12 Terrorism Omnibus Prevention Act.

13 (b) A person commits streetgang member loitering when he or
14 she is a streetgang member or is in the company of or acting in
15 concert with a streetgang member and knowingly loiters in a
16 public place under any of the following circumstances:

17 (1) with the intent to publicize a criminal
18 streetgang's dominance over certain territory in order to
19 intimidate non-members of the streetgang from entering,
20 remaining in, or using the public place or adjacent area;
21 or

22 (2) with the intent to conceal ongoing commerce in
23 illegal drugs or other unlawful activity.

24 (c) Nothing in this Section shall be construed in any way
25 to limit the power or right of a law enforcement officer to
26 make any investigation, detention, or arrest as the law

1 enforcement officer would be permitted to make in absence of
2 this Section.

3 (d) Sentence. A streetgang member or a person in the
4 company of or acting in concert with a streetgang member who
5 violates this Section is guilty of a Class A misdemeanor.