



Rep. Melissa Conyears-Ervin

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10000HB4512ham001

LRB100 16839 RLC 38062 a

1 AMENDMENT TO HOUSE BILL 4512

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4512 by replacing  
3 everything after the enacting clause with the following:

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

1 property; or

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

5 "Public place" means the public way and any other  
6 location open to the public, whether publicly or privately  
7 owned, including, but not limited to any street, sidewalk,  
8 avenue, highway, road, curb area, alley, park, playground  
9 or other public ground or public building, any common area  
10 of a school, hospital, apartment house, office building,  
11 transport facility, shop, privately owned place of  
12 business, to which the public is invited, including any  
13 place of amusement, entertainment, or eating place.

14 "Public place" also includes the front yard area, driveway  
15 and walkway of any private residence, business, or  
16 apartment house.

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

20 (b) A person commits streetgang member loitering when he or  
21 she is a streetgang member or is in the company of or acting in  
22 concert with a streetgang member and knowingly loiters in a  
23 public place and a peace officer informs the person that he or  
24 she is subject to arrest and prosecution for failure to obey  
25 promptly the order issued by the peace officer that streetgang  
26 member loitering is prohibited, or for engaging in further

1 streetgang member loitering within sight or hearing of the  
2 place at which the order was issued during the 12-hour period  
3 following the time the order was issued and with the intent to  
4 either:

5 (A) publicize a criminal streetgang's dominance over  
6 certain territory in order to intimidate non-members of the  
7 streetgang from entering, remaining in, or using the public  
8 place or adjacent area; or

9 (B) with the intent to conceal ongoing commerce in  
10 illegal drugs or other unlawful activity.

11 (c) Nothing in this Section shall be construed in any way  
12 to limit the power or right of a law enforcement officer to  
13 make any investigation, detention, or arrest as the law  
14 enforcement officer would be permitted to make in absence of  
15 this Section.

16 (d) Sentence. A streetgang member or a person in the  
17 company of or acting in concert with a streetgang member who  
18 violates this Section is guilty of a petty offense and shall be  
19 sentenced by the court to perform community service of up to  
20 120 hours for a first or second offense. A streetgang member or  
21 a person in the company of or acting in concert with a  
22 streetgang member who is convicted of a third or subsequent  
23 offense under this Section is guilty of a Class A  
24 misdemeanor."