

HB0036



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0036

Introduced 1/9/2019, by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

720 ILCS 5/25-1

from Ch. 38, par. 25-1

Amends the Criminal Code of 2012 concerning mob action. Provides that a student of a public, private, or parochial elementary or secondary school shall be exempt from prosecution for mob action if the event occurred on the grounds of that public, private, or parochial elementary or secondary school during regular school hours.

LRB101 00239 SLF 45243 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 changing
5 Section 25-1 as follows:

6 (720 ILCS 5/25-1) (from Ch. 38, par. 25-1)

7 Sec. 25-1. Mob action.

8 (a) A person commits mob action when he or she engages in
9 any of the following:

10 (1) the knowing or reckless use of force or violence
11 disturbing the public peace by 2 or more persons acting
12 together and without authority of law;

13 (2) the knowing assembly of 2 or more persons with the
14 intent to commit or facilitate the commission of a felony
15 or misdemeanor; or

16 (3) the knowing assembly of 2 or more persons, without
17 authority of law, for the purpose of doing violence to the
18 person or property of anyone supposed to have been guilty
19 of a violation of the law, or for the purpose of exercising
20 correctional powers or regulative powers over any person by
21 violence.

22 (a-5) A student of a public, private, or parochial
23 elementary or secondary school shall be exempt from prosecution

1 under this Section if the event occurred on the grounds of that
2 public, private, or parochial elementary or secondary school
3 during regular school hours.

4 (b) Sentence.

5 (1) Mob action in violation of paragraph (1) of
6 subsection (a) is a Class 4 felony.

7 (2) Mob action in violation of paragraphs (2) and (3)
8 of subsection (a) is a Class C misdemeanor.

9 (3) A participant in a mob action that by violence
10 inflicts injury to the person or property of another
11 commits a Class 4 felony.

12 (4) A participant in a mob action who does not withdraw
13 when commanded to do so by a peace officer commits a Class
14 A misdemeanor.

15 (5) In addition to any other sentence that may be
16 imposed, a court shall order any person convicted of mob
17 action to perform community service for not less than 30
18 and not more than 120 hours, if community service is
19 available in the jurisdiction and is funded and approved by
20 the county board of the county where the offense was
21 committed. In addition, whenever any person is placed on
22 supervision for an alleged offense under this Section, the
23 supervision shall be conditioned upon the performance of
24 the community service. This paragraph does not apply when
25 the court imposes a sentence of incarceration.

26 (Source: P.A. 96-710, eff. 1-1-10; 97-1108, eff. 1-1-13.)