

HB5338



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5338

Introduced 1/31/2022, by Rep. Patrick Windhorst

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-6.4

Amends the Criminal Code of 2012. Provides that a person commits criminal street gang recruitment when he or she recruits, solicits, or induces another person to join or remain a member of a criminal street gang. Provides that the penalty is a Class 4 felony. Provides that if the person recruited, solicited, or induced is a minor, the offense is a Class 3 felony. Defines "criminal street gang". Effective immediately.

LRB102 22466 RLC 31606 b

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
5 changing Section 12-6.4 as follows:

6 (720 ILCS 5/12-6.4)

7 Sec. 12-6.4. Criminal street gang recruitment ~~on school~~
8 ~~grounds or public property adjacent to school grounds~~ and
9 criminal street gang recruitment of a minor.

10 (a) A person commits criminal street gang recruitment on
11 school grounds or public property adjacent to school grounds
12 when on school grounds or public property adjacent to school
13 grounds, he or she knowingly threatens the use of physical
14 force to coerce, solicit, recruit, or induce another person to
15 join or remain a member of a criminal street gang, or conspires
16 to do so.

17 (a-5) A person commits the offense of criminal street gang
18 recruitment of a minor when he or she threatens the use of
19 physical force to coerce, solicit, recruit, or induce another
20 person to join or remain a member of a criminal street gang, or
21 conspires to do so, whether or not such threat is communicated
22 in person, by means of the Internet, or by means of a
23 telecommunications device.

1 (a-6) A person commits criminal street gang recruitment
2 when he or she recruits, solicits, or induces another person
3 to join or remain a member of a criminal street gang.

4 (b) Sentence. Criminal street gang recruitment on school
5 grounds or public property adjacent to school grounds under
6 subsection (a) is a Class 1 felony and criminal street gang
7 recruitment of a minor under subsection (a-5) is a Class 1
8 felony. Criminal street gang recruitment under subsection
9 (a-6) is a Class 4 felony, except if the person recruited,
10 solicited, or induced in subsection (a-6) is a minor, the
11 offense is a Class 3 felony.

12 (c) In this Section:

13 "School grounds" means the building or buildings or
14 real property comprising a public or private elementary or
15 secondary school, community college, college, or
16 university and includes a school yard, school playing
17 field, or school playground.

18 "Minor" means any person under 18 years of age.

19 "Internet" means an interactive computer service or
20 system or an information service, system, or access
21 software provider that provides or enables computer access
22 by multiple users to a computer server, and includes, but
23 is not limited to, an information service, system, or
24 access software provider that provides access to a network
25 system commonly known as the Internet, or any comparable
26 system or service and also includes, but is not limited

1 to, a World Wide Web page, newsgroup, message board,
2 mailing list, or chat area on any interactive computer
3 service or system or other online service.

4 "Criminal street gang" has the meaning ascribed to the
5 term in Section 10 of the Illinois Streetgang Terrorism
6 Omnibus Prevention Act.

7 "Telecommunications device" means a device that is
8 capable of receiving or transmitting speech, data,
9 signals, text, images, sounds, codes, or other information
10 including, but not limited to, paging devices, telephones,
11 and cellular and mobile telephones.

12 (Source: P.A. 96-199, eff. 1-1-10; 96-1551, eff. 7-1-11.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.