



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5053

Introduced 2/8/2024, by Rep. Angelica Guerrero-Cuellar

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-506

720 ILCS 5/36-1

from Ch. 38, par. 36-1

Amends the Illinois Vehicle Code. Provides that no person shall gather in a public street, commercial parking lot, or any other area open to the public for the purpose of street racing or a street side show. Provides that a vehicle used in street racing or a street side show or used to interfere with the flow of traffic to facilitate street racing or a street side show is subject to forfeiture. Amends the Criminal Code of 2012. Makes corresponding changes.

LRB103 37425 MXP 67547 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Section 11-506 as follows:

6 (625 ILCS 5/11-506)

7 Sec. 11-506. Street racing; aggravated street racing;
8 street sideshows.

9 (a) No person shall engage in street racing on any street
10 or highway of this State.

11 (a-5) No person shall engage in a street sideshow on any
12 street or highway of this State.

13 (b) No owner of any vehicle shall acquiesce in or permit
14 his or her vehicle to be used by another for the purpose of
15 street racing or a street sideshow.

16 (b-5) A person may not knowingly interfere with or cause
17 the movement of traffic to slow or stop for the purpose of
18 facilitating street racing or a street sideshow.

19 (b-7) No person shall gather in a public street,
20 commercial parking lot, or any other area open to the public
21 for the purpose of street racing or a street side show.

22 (c) For the purposes of this Section:

23 "Acquiesce" or "permit" means actual knowledge that the

1 motor vehicle was to be used for the purpose of street racing.

2 "Motor vehicle stunt" includes, but is not limited to,
3 operating a vehicle in a manner that causes the vehicle to
4 slide or spin, driving within the proximity of a gathering of
5 persons, performing maneuvers to demonstrate the performance
6 capability of the motor vehicle, or maneuvering the vehicle in
7 an attempt to elicit a reaction from a gathering of persons.

8 "Street racing" means:

9 (1) The operation of 2 or more vehicles from a point
10 side by side at accelerating speeds in a competitive
11 attempt to outdistance each other; or

12 (2) The operation of one or more vehicles over a
13 common selected course, each starting at the same point,
14 for the purpose of comparing the relative speeds or power
15 of acceleration of such vehicle or vehicles within a
16 certain distance or time limit; or

17 (3) The use of one or more vehicles in an attempt to
18 outgain or outdistance another vehicle; or

19 (4) The use of one or more vehicles to prevent another
20 vehicle from passing; or

21 (5) The use of one or more vehicles to arrive at a
22 given destination ahead of another vehicle or vehicles; or

23 (6) The use of one or more vehicles to test the
24 physical stamina or endurance of drivers over
25 long-distance driving routes.

26 "Street sideshow" means an event in which one or more

1 vehicles block or impede traffic on a street or highway, for
2 the purpose of performing unauthorized motor vehicle stunts,
3 motor vehicle speed contests, or motor vehicle exhibitions of
4 speed.

5 (d) Penalties.

6 (1) Any person who is convicted of a violation of
7 subsection (a), (a-5), ~~or~~ (b-5), or (b-7) shall be guilty
8 of a Class A misdemeanor for the first offense and shall be
9 subject to a minimum fine of \$250 and forfeiture of the
10 vehicle used in violation of this Section. Any person
11 convicted of a violation of subsection (a), (a-5), or
12 (b-5) a second or subsequent time shall be guilty of a
13 Class 4 felony and shall be subject to a minimum fine of
14 \$500. The driver's license of any person convicted of
15 subsection (a) shall be revoked in the manner provided by
16 Section 6-205 of this Code.

17 (2) Any person who is convicted of a violation of
18 subsection (b) shall be guilty of a Class B misdemeanor.
19 Any person who is convicted of subsection (b) for a second
20 or subsequent time shall be guilty of a Class A
21 misdemeanor.

22 (3) Every person convicted of committing a violation
23 of subsection (a) of this Section shall be guilty of
24 aggravated street racing if the person, in committing a
25 violation of subsection (a) was involved in a motor
26 vehicle crash that resulted in great bodily harm or

1 permanent disability or disfigurement to another, where
2 the violation was a proximate cause of the injury.
3 Aggravated street racing is a Class 4 felony for which the
4 defendant, if sentenced to a term of imprisonment, shall
5 be sentenced to not less than one year nor more than 12
6 years.

7 (Source: P.A. 102-733, eff. 1-1-23; 102-982, eff. 7-1-23;
8 103-154, eff. 6-30-23.)

9 Section 10. The Criminal Code of 2012 is amended by
10 changing Section 36-1 as follows:

11 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

12 Sec. 36-1. Property subject to forfeiture.

13 (a) Any vessel or watercraft, vehicle, or aircraft is
14 subject to forfeiture under this Article if the vessel or
15 watercraft, vehicle, or aircraft is used with the knowledge
16 and consent of the owner in the commission of or in the attempt
17 to commit as defined in Section 8-4 of this Code:

18 (1) an offense prohibited by Section 9-1 (first degree
19 murder), Section 9-3 (involuntary manslaughter and
20 reckless homicide), Section 10-2 (aggravated kidnaping),
21 Section 11-1.20 (criminal sexual assault), Section 11-1.30
22 (aggravated criminal sexual assault), Section 11-1.40
23 (predatory criminal sexual assault of a child), subsection
24 (a) of Section 11-1.50 (criminal sexual abuse), subsection

1 (a), (c), or (d) of Section 11-1.60 (aggravated criminal
2 sexual abuse), Section 11-6 (indecent solicitation of a
3 child), Section 11-14.4 (promoting juvenile prostitution
4 except for keeping a place of juvenile prostitution),
5 Section 11-20.1 (child pornography), paragraph (a)(1),
6 (a)(2), (a)(4), (b)(1), (b)(2), (e)(1), (e)(2), (e)(3),
7 (e)(4), (e)(5), (e)(6), or (e)(7) of Section 12-3.05
8 (aggravated battery), Section 12-7.3 (stalking), Section
9 12-7.4 (aggravated stalking), Section 16-1 (theft if the
10 theft is of precious metal or of scrap metal), subdivision
11 (f)(2) or (f)(3) of Section 16-25 (retail theft), Section
12 18-2 (armed robbery), Section 19-1 (burglary), Section
13 19-2 (possession of burglary tools), Section 19-3
14 (residential burglary), Section 20-1 (arson; residential
15 arson; place of worship arson), Section 20-2 (possession
16 of explosives or explosive or incendiary devices),
17 subdivision (a)(6) or (a)(7) of Section 24-1 (unlawful use
18 of weapons), Section 24-1.2 (aggravated discharge of a
19 firearm), Section 24-1.2-5 (aggravated discharge of a
20 machine gun or a firearm equipped with a device designed
21 or used for silencing the report of a firearm), Section
22 24-1.5 (reckless discharge of a firearm), Section 28-1
23 (gambling), or Section 29D-15.2 (possession of a deadly
24 substance) of this Code;

25 (2) an offense prohibited by Section 21, 22, 23, 24 or
26 26 of the Cigarette Tax Act if the vessel or watercraft,

1 vehicle, or aircraft contains more than 10 cartons of such
2 cigarettes;

3 (3) an offense prohibited by Section 28, 29, or 30 of
4 the Cigarette Use Tax Act if the vessel or watercraft,
5 vehicle, or aircraft contains more than 10 cartons of such
6 cigarettes;

7 (4) an offense prohibited by Section 44 of the
8 Environmental Protection Act;

9 (5) an offense prohibited by Section 11-204.1 of the
10 Illinois Vehicle Code (aggravated fleeing or attempting to
11 elude a peace officer);

12 (6) an offense prohibited by Section 11-501 of the
13 Illinois Vehicle Code (driving while under the influence
14 of alcohol or other drug or drugs, intoxicating compound
15 or compounds or any combination thereof) or a similar
16 provision of a local ordinance, and:

17 (A) during a period in which his or her driving
18 privileges are revoked or suspended if the revocation
19 or suspension was for:

20 (i) Section 11-501 (driving under the
21 influence of alcohol or other drug or drugs,
22 intoxicating compound or compounds or any
23 combination thereof),

24 (ii) Section 11-501.1 (statutory summary
25 suspension or revocation),

26 (iii) paragraph (b) of Section 11-401 (motor

1 vehicle crashes involving death or personal
2 injuries), or

3 (iv) reckless homicide as defined in Section
4 9-3 of this Code;

5 (B) has been previously convicted of reckless
6 homicide or a similar provision of a law of another
7 state relating to reckless homicide in which the
8 person was determined to have been under the influence
9 of alcohol, other drug or drugs, or intoxicating
10 compound or compounds as an element of the offense or
11 the person has previously been convicted of committing
12 a violation of driving under the influence of alcohol
13 or other drug or drugs, intoxicating compound or
14 compounds or any combination thereof and was involved
15 in a motor vehicle crash that resulted in death, great
16 bodily harm, or permanent disability or disfigurement
17 to another, when the violation was a proximate cause
18 of the death or injuries;

19 (C) the person committed a violation of driving
20 under the influence of alcohol or other drug or drugs,
21 intoxicating compound or compounds or any combination
22 thereof under Section 11-501 of the Illinois Vehicle
23 Code or a similar provision for the third or
24 subsequent time;

25 (D) he or she did not possess a valid driver's
26 license or permit or a valid restricted driving permit

1 or a valid judicial driving permit or a valid
2 monitoring device driving permit; or

3 (E) he or she knew or should have known that the
4 vehicle he or she was driving was not covered by a
5 liability insurance policy;

6 (7) an offense described in subsection (g) of Section
7 6-303 of the Illinois Vehicle Code;

8 (8) an offense described in subsection (e) of Section
9 6-101 of the Illinois Vehicle Code; ~~or~~

10 (9) (A) operating a watercraft under the influence of
11 alcohol, other drug or drugs, intoxicating compound or
12 compounds, or combination thereof under Section 5-16 of
13 the Boat Registration and Safety Act during a period in
14 which his or her privileges to operate a watercraft are
15 revoked or suspended and the revocation or suspension was
16 for operating a watercraft under the influence of alcohol,
17 other drug or drugs, intoxicating compound or compounds,
18 or combination thereof; (B) operating a watercraft under
19 the influence of alcohol, other drug or drugs,
20 intoxicating compound or compounds, or combination thereof
21 and has been previously convicted of reckless homicide or
22 a similar provision of a law in another state relating to
23 reckless homicide in which the person was determined to
24 have been under the influence of alcohol, other drug or
25 drugs, intoxicating compound or compounds, or combination
26 thereof as an element of the offense or the person has

1 previously been convicted of committing a violation of
2 operating a watercraft under the influence of alcohol,
3 other drug or drugs, intoxicating compound or compounds,
4 or combination thereof and was involved in an accident
5 that resulted in death, great bodily harm, or permanent
6 disability or disfigurement to another, when the violation
7 was a proximate cause of the death or injuries; or (C) the
8 person committed a violation of operating a watercraft
9 under the influence of alcohol, other drug or drugs,
10 intoxicating compound or compounds, or combination thereof
11 under Section 5-16 of the Boat Registration and Safety Act
12 or a similar provision for the third or subsequent time;
13 or-

14 (10) an offense described in Section 11-506 of the
15 Illinois Vehicle Code.

16 (b) In addition, any mobile or portable equipment used in
17 the commission of an act which is in violation of Section 7g of
18 the Metropolitan Water Reclamation District Act shall be
19 subject to seizure and forfeiture under the same procedures
20 provided in this Article for the seizure and forfeiture of
21 vessels or watercraft, vehicles, and aircraft, and any such
22 equipment shall be deemed a vessel or watercraft, vehicle, or
23 aircraft for purposes of this Article.

24 (c) In addition, when a person discharges a firearm at
25 another individual from a vehicle with the knowledge and
26 consent of the owner of the vehicle and with the intent to

1 cause death or great bodily harm to that individual and as a
2 result causes death or great bodily harm to that individual,
3 the vehicle shall be subject to seizure and forfeiture under
4 the same procedures provided in this Article for the seizure
5 and forfeiture of vehicles used in violations of clauses (1),
6 (2), (3), or (4) of subsection (a) of this Section.

7 (d) If the spouse of the owner of a vehicle seized for an
8 offense described in subsection (g) of Section 6-303 of the
9 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),
10 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section
11 11-501 of the Illinois Vehicle Code, or Section 9-3 of this
12 Code makes a showing that the seized vehicle is the only source
13 of transportation and it is determined that the financial
14 hardship to the family as a result of the seizure outweighs the
15 benefit to the State from the seizure, the vehicle may be
16 forfeited to the spouse or family member and the title to the
17 vehicle shall be transferred to the spouse or family member
18 who is properly licensed and who requires the use of the
19 vehicle for employment or family transportation purposes. A
20 written declaration of forfeiture of a vehicle under this
21 Section shall be sufficient cause for the title to be
22 transferred to the spouse or family member. The provisions of
23 this paragraph shall apply only to one forfeiture per vehicle.
24 If the vehicle is the subject of a subsequent forfeiture
25 proceeding by virtue of a subsequent conviction of either
26 spouse or the family member, the spouse or family member to

1 whom the vehicle was forfeited under the first forfeiture
2 proceeding may not utilize the provisions of this paragraph in
3 another forfeiture proceeding. If the owner of the vehicle
4 seized owns more than one vehicle, the procedure set out in
5 this paragraph may be used for only one vehicle.

6 (e) In addition, property subject to forfeiture under
7 Section 40 of the Illinois Streetgang Terrorism Omnibus
8 Prevention Act may be seized and forfeited under this Article.

9 (Source: P.A. 102-982, eff. 7-1-23.)