

1 AN ACT in relation to streetgangs.

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

4 Section 5. The Illinois Streetgang Terrorism Omnibus
5 Prevention Act is amended by changing Section 10 as follows:

6 (740 ILCS 147/10)

7 Sec. 10. Definitions.

8 "Course or pattern of criminal activity" means 2 or more
9 gang-related criminal offenses committed in whole or in part
10 within this State when:

11 (1) at least one such offense was committed after
12 the effective date of this Act;

13 (2) both offenses were committed within 5 years of
14 each other; and

15 (3) at least one offense involved the solicitation
16 to commit, conspiracy to commit, attempt to commit, or
17 commission of any offense defined as a felony or forcible
18 felony under the Criminal Code of 1961.

19 "Course or pattern of criminal activity" also means one
20 or more acts of criminal defacement of property under Section
21 21-1.3 of the Criminal Code of 1961, if the defacement
22 includes a sign or other symbol intended to identify the
23 streetgang.

24 "Designee of State's Attorney" or "designee" means any
25 attorney for a public authority who has received written
26 permission from the State's Attorney to file or join in a
27 civil action authorized by this Act.

28 "Public authority" means any unit of local government or
29 school district created or established under the Constitution
30 or laws of this State.

31 "State's Attorney" means the State's Attorney of any

1 county where an offense constituting a part of a course or
2 pattern of gang-related criminal activity has occurred or has
3 been committed.

4 "Streetgang" or "gang" or "organized gang" or "criminal
5 street gang" means any combination, confederation, alliance,
6 network, conspiracy, understanding, or other similar
7 conjoining, in law or in fact, of 3 or more persons with an
8 established hierarchy that, through its membership or through
9 the agency of any member engages in a course or pattern of
10 criminal activity.

11 For purposes of this Act, it shall not be necessary to
12 show that a particular conspiracy, combination, or conjoining
13 of persons possesses, acknowledges, or is known by any common
14 name, insignia, flag, means of recognition, secret signal or
15 code, creed, belief, structure, leadership or command
16 structure, method of operation or criminal enterprise,
17 concentration or specialty, membership, age, or other
18 qualifications, initiation rites, geographical or territorial
19 situs or boundary or location, or other unifying mark,
20 manner, protocol or method of expressing or indicating
21 membership when the conspiracy's existence, in law or in
22 fact, can be demonstrated by a preponderance of other
23 competent evidence. However, any evidence reasonably tending
24 to show or demonstrate, in law or in fact, the existence of
25 or membership in any conspiracy, confederation, or other
26 association described herein, or probative of the existence
27 of or membership in any such association, shall be admissible
28 in any action or proceeding brought under this Act.

29 "Streetgang member" or "gang member" means any person who
30 actually and in fact belongs to a gang, and any person who
31 knowingly acts in the capacity of an agent for or accessory
32 to, or is legally accountable for, or voluntarily associates
33 himself with a course or pattern of gang-related criminal
34 activity, whether in a preparatory, executory, or cover-up

1 phase of any activity, or who knowingly performs, aids, or
2 abets any such activity.

3 "Streetgang related" or "gang-related" means any criminal
4 activity, enterprise, pursuit, or undertaking directed by,
5 ordered by, authorized by, consented to, agreed to, requested
6 by, acquiesced in, or ratified by any gang leader, officer,
7 or governing or policy-making person or authority, or by any
8 agent, representative, or deputy of any such officer, person,
9 or authority:

10 (1) with the intent to increase the gang's size,
11 membership, prestige, dominance, or control in any
12 geographical area; or

13 (2) with the intent to provide the gang with any
14 advantage in, or any control or dominance over any
15 criminal market sector, including but not limited to, the
16 manufacture, delivery, or sale of controlled substances
17 or cannabis; arson or arson-for-hire; traffic in stolen
18 property or stolen credit cards; traffic in prostitution,
19 obscenity, or pornography; or that involves robbery,
20 burglary, or theft; or

21 (3) with the intent to exact revenge or retribution
22 for the gang or any member of the gang; or

23 (4) with the intent to obstruct justice, or
24 intimidate or eliminate any witness against the gang or
25 any member of the gang; or

26 (5) with the intent to otherwise directly or
27 indirectly cause any benefit, aggrandizement, gain,
28 profit or other advantage whatsoever to or for the gang,
29 its reputation, influence, or membership.

30 (Source: P.A. 87-932; 88-467.)