

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 1961 is amended by changing
5 Section 12-7.1 as follows:

6 (720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)

7 Sec. 12-7.1. Hate crime.

8 (a) A person commits hate crime when, by reason of the
9 actual or perceived race, color, creed, religion, ancestry,
10 gender, sexual orientation, physical or mental disability, or
11 national origin of another individual or group of individuals,
12 regardless of the existence of any other motivating factor or
13 factors, he commits assault, battery, aggravated assault,
14 misdemeanor theft, criminal trespass to residence, misdemeanor
15 criminal damage to property, criminal trespass to vehicle,
16 criminal trespass to real property, mob action or disorderly
17 conduct as these crimes are defined in Sections 12-1, 12-2,
18 12-3, 16-1, 19-4, 21-1, 21-2, 21-3, 25-1, and 26-1 of this
19 Code, respectively, or harassment by telephone as defined in
20 Section 1-1 of the Harassing and Obscene Communications Act, or
21 harassment through electronic communications as defined in
22 clause (a)(4) of Section 1-2 of the Harassing and Obscene
23 Communications Act.

24 (b) Except as provided in subsection (b-5), hate crime is a
25 Class 4 felony for a first offense and a Class 2 felony for a
26 second or subsequent offense.

27 (b-5) Hate crime is a Class 3 felony for a first offense
28 and a Class 2 felony for a second or subsequent offense if
29 committed:

30 (1) in a church, synagogue, mosque, or other building,
31 structure, or place used for religious worship or other
32 religious purpose;

1 (2) in a cemetery, mortuary, or other facility used for
2 the purpose of burial or memorializing the dead;

3 (3) in a school or other educational facility,
4 including an administrative facility or public or private
5 dormitory facility of or associated with the school or
6 other educational facility;

7 (4) in a public park or an ethnic or religious
8 community center;

9 (5) on the real property comprising any location
10 specified in clauses (1) through (4) of this subsection
11 (b-5); or

12 (6) on a public way within 1,000 feet of the real
13 property comprising any location specified in clauses (1)
14 through (4) of this subsection (b-5).

15 (b-10) Upon imposition of any sentence, the trial court
16 shall also either order restitution paid to the victim or
17 impose a fine up to \$1,000. In addition, any order of probation
18 or conditional discharge entered following a conviction or an
19 adjudication of delinquency shall include a condition that the
20 offender perform public or community service of no less than
21 200 hours if that service is established in the county where
22 the offender was convicted of hate crime. The court may also
23 impose any other condition of probation or conditional
24 discharge under this Section.

25 (c) Independent of any criminal prosecution or the result
26 thereof, any person suffering injury to his person or damage to
27 his property as a result of hate crime may bring a civil action
28 for damages, injunction or other appropriate relief. The court
29 may award actual damages, including damages for emotional
30 distress, or punitive damages. A judgment may include
31 attorney's fees and costs. The parents or legal guardians,
32 other than guardians appointed pursuant to the Juvenile Court
33 Act or the Juvenile Court Act of 1987, of an unemancipated
34 minor shall be liable for the amount of any judgment for actual
35 damages rendered against such minor under this subsection (c)
36 in any amount not exceeding the amount provided under Section 5

1 of the Parental Responsibility Law.

2 (d) "Sexual orientation" means heterosexuality,
3 homosexuality, or bisexuality.

4 (Source: P.A. 92-830, eff. 1-1-03; 93-463, eff. 8-8-03.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.