



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5795

Introduced 07/19/06, by Rep. Ruth Munson

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-6.4

Amends the Criminal Code of 1961. Eliminates from the elements of the offense of criminal street gang recruitment on school grounds or public property adjacent to school grounds that the person must threaten the use of physical force. Provides that criminal street gang recruitment on school grounds or public property adjacent to school grounds is a Class 2 felony if the person did not threaten the use of physical force during the commission of the offense and a Class 1 felony if the person threatened the use of physical force during the commission of the offense.

LRB094 21059 RLC 59386 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 12-6.4 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.

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

17 (b) Sentence. Criminal street gang recruitment on school
18 grounds or public property adjacent to school grounds is a
19 Class 1 felony if the person threatened the use of physical
20 force during the commission of the offense. Criminal street
21 gang recruitment on school grounds or public property adjacent
22 to school grounds is a Class 2 felony if the person did not
23 threaten the use of physical force during the commission of the
24 offense.

25 (c) In this Section, "criminal street gang" has the meaning
26 ascribed to it in Section 10 of the Illinois Streetgang
27 Terrorism Omnibus Prevention Act and "school grounds" means the
28 building or buildings or real property comprising a public or
29 private elementary or secondary school, community college,
30 college, or university and includes a school yard, school
31 playing field, or school playground.

32 (Source: P.A. 93-938, eff. 1-1-05.)