

**SB0287**



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB0287**

Introduced 2/3/2005, by Sen. Ira I. Silverstein

**SYNOPSIS AS INTRODUCED:**

720 ILCS 5/12-7.1

from Ch. 38, par. 12-7.1

Amends the Criminal Code of 1961. Provides that a person commits a hate crime if by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals, regardless of the existence of any other motivating factor or factors, he or she commits any form of harassment through electronic communications as defined in the Harassing and Obscene Communications Act (rather than just threatening injury to the person or to the property of the person to whom the electronic communication is directed). Effective immediately.

LRB094 08898 RLC 39118 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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 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; 93-765,  
5 eff. 7-19-04.)

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