



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0557

Introduced 2/4/2009, by Rep. Linda Chapa LaVia

SYNOPSIS AS INTRODUCED:

720 ILCS 5/Art. 21.2 heading	
720 ILCS 5/21.2-1	from Ch. 38, par. 21.2-1
720 ILCS 5/21.2-2	from Ch. 38, par. 21.2-2
720 ILCS 5/21.2-3	from Ch. 38, par. 21.2-3
720 ILCS 5/21.2-4	from Ch. 38, par. 21.2-4
720 ILCS 5/21.2-5	from Ch. 38, par. 21.2-5

Amends the Criminal Code of 1961. Expands the statute concerning interference with a public institution of higher education to also include interference with public elementary and secondary schools. Provides that if the interference with the public institution of education is accompanied by a threat, the person commits a Class 3 felony and may be sentenced to a term of imprisonment of not less than 2 years and not more than 10 years and may be prosecuted for intimidation.

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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 the heading of Article 21.2 and Sections 21.2-1, 21.2-2,
6 21.2-3, 21.2-4, and 21.2-5 as follows:

7 (720 ILCS 5/Art. 21.2 heading)

8 ARTICLE 21.2. INTERFERENCE WITH A PUBLIC
9 INSTITUTION OF ~~HIGHER~~ EDUCATION

10 (720 ILCS 5/21.2-1) (from Ch. 38, par. 21.2-1)

11 Sec. 21.2-1.

12 The General Assembly, in recognition of unlawful campus and
13 school disorders across the nation which are disruptive of the
14 educational process, dangerous to the health and safety of
15 persons, damaging to public and private property, and which
16 divert the use of institutional facilities from the primary
17 function of education, establishes by this Act criminal
18 penalties for conduct declared in this Article to be unlawful.
19 However, this Article does not modify or supersede any other
20 law relating to damage to persons or property, nor does it
21 prevent a public institution of ~~higher~~ education from
22 establishing restrictions upon the availability or use of any

1 building or other facility owned, operated or controlled by the
2 institution to preserve their dedication to education, nor from
3 establishing standards of scholastic and behavioral conduct
4 reasonably relevant to the missions, processes and functions of
5 the institution, nor from invoking appropriate discipline or
6 expulsion for violations of such standards.

7 (Source: P.A. 76-1582.)

8 (720 ILCS 5/21.2-2) (from Ch. 38, par. 21.2-2)

9 Sec. 21.2-2.

10 A person commits interference with a public institution of
11 ~~higher~~ education when, on the campus of a public institution of
12 ~~higher~~ education, or at or in any building or other facility
13 owned, operated or controlled by the institution, without
14 authority from the institution he, through force or violence,
15 actual or threatened:

16 (a) willfully denies to a trustee, school board member,
17 superintendent, principal, employee, student or invitee of the
18 institution:

19 (1) Freedom of movement at such place; or

20 (2) Use of the property or facilities of the institution;

21 or

22 (3) The right of ingress or egress to the property or
23 facilities of the institution; or

24 (b) willfully impedes, obstructs, interferes with or
25 disrupts:

1 (1) the performance of institutional duties by a trustee,
2 school board member, superintendent, principal, or employee of
3 the institution; or

4 (2) the pursuit of educational activities, as determined or
5 prescribed by the institution, by a trustee, school board
6 member, superintendent, principal, employee, student or
7 invitee of the institution; or

8 (c) knowingly occupies or remains in or at any building,
9 property or other facility owned, operated or controlled by the
10 institution after due notice to depart.

11 (Source: P.A. 76-1582.)

12 (720 ILCS 5/21.2-3) (from Ch. 38, par. 21.2-3)

13 Sec. 21.2-3.

14 Nothing in this Article prevents lawful assembly of the
15 trustees, school board members, superintendent, principal,
16 employees, students or invitees of a public institution of
17 ~~higher~~ education, or prevents orderly petition for redress of
18 grievances.

19 (Source: P.A. 76-1582.)

20 (720 ILCS 5/21.2-4) (from Ch. 38, par. 21.2-4)

21 Sec. 21.2-4. Sentence.

22 A person convicted of violation of this Article commits a
23 Class C misdemeanor for the first offense and for a second or
24 subsequent offense commits a Class B misdemeanor. If the

1 interference with the public institution of education is
2 accompanied by a threat, the person commits a Class 3 felony
3 and may be sentenced to a term of imprisonment of not less than
4 2 years and not more than 10 years and may be prosecuted for
5 intimidation in accordance with Section 12-6 of this Code.

6 (Source: P.A. 77-2638.)

7 (720 ILCS 5/21.2-5) (from Ch. 38, par. 21.2-5)

8 Sec. 21.2-5.

9 For the purposes of this Article the words and phrases
10 described in this Section have the meanings designated in this
11 Section, except when a particular context clearly requires a
12 different meaning.

13 "Public institution of ~~higher~~ education" means an
14 educational organization located in this State which provides
15 an organized elementary, secondary, or post-high school
16 educational program, and which is supported in whole or in part
17 by appropriations of the General Assembly, a unit of local
18 government or school district.

19 A person has received "due notice" if he, or the group of
20 which he is a part, has been given oral or written notice from
21 an authorized representative of the public institution of
22 ~~higher~~ education in a manner reasonably designated to inform
23 him, or the group of which he is a part, that he or they should
24 cease such action or depart from such premises. The notice may
25 also be given by a printed or written notice forbidding entry

1 conspicuously posted or exhibited at the main entrance of the
2 building or other facility, or the forbidden part thereof.

3 "Force or violence" includes, but is not limited to, use of
4 one's person, individually or in concert with others, to impede
5 access to or movement within or otherwise to interfere with the
6 conduct of the authorized activities of the public institution
7 of ~~higher~~ education, its trustees, school board members,
8 superintendent, principal, employees, students or invitees.

9 (Source: P.A. 76-1582.)