



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5835

Introduced 2/10/2010, by Rep. Esther Golar

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-7.6

Amends the Criminal Code of 1961. Creates the offense of using a hate symbol to intimidate or harass. Provides that a person commits the offense who without written authorization and with the intent to intimidate or harass any other person or group of persons based on religion, national origin, alienage, color, race, sex, sexual orientation, physical disability, or mental disability: (1) hangs or otherwise displays a hangman's noose or a simulation thereof on any public property or private property; (2) etches, paints, draws, or otherwise displays a Nazi swastika, commonly exhibited as the emblem of Nazi Germany or a simulation thereof; or (3) burns or desecrates a cross or other religious symbol knowing it to be a religious symbol on any public property or private property. Provides that a first offense is a Class 3 felony and a second or subsequent offense is a Class 2 felony.

LRB096 17919 RLC 33287 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 12-7.6 as follows:

6 (720 ILCS 5/12-7.6)

7 Sec. 12-7.6. Using a hate symbol to intimidate or harass
8 ~~Cross burning.~~

9 (a) A person commits the offense of using a hate symbol to
10 intimidate or harass ~~cross burning~~ who, without written
11 authorization, and with the intent to intimidate or harass any
12 other person or group of persons based on religion, national
13 origin, alienage, color, race, sex, sexual orientation,
14 physical disability, or mental disability:

15 (1) hangs or otherwise displays a hangman's noose or a
16 simulation thereof on any public property or private
17 property;

18 (2) etches, paints, draws, or otherwise displays a Nazi
19 swastika, commonly exhibited as the emblem of Nazi Germany
20 or a simulation thereof; or

21 (3) burns or desecrates a cross or other religious
22 symbol knowing it to be a religious symbol on any public
23 property or private property. ~~burns or causes to be~~

1 ~~burned a cross.~~

2 (b) Sentence. Using a hate symbol to intimidate or harass
3 ~~Cross burning~~ is a Class 3 felony ~~A misdemeanor~~ for a first
4 offense and a Class 2 4 felony for a second or subsequent
5 offense.

6 (c) For the purposes of this Section:7

7 (1) A ~~a~~ person acts with the "intent to intimidate"
8 when he or she intentionally places or attempts to place
9 another person in fear of physical injury or fear of damage
10 to that other person's property.

11 (2) "Noose" means a rope tied into a slip knot, which
12 binds closer the more it is drawn and which historically
13 has been used in hanging executions.

14 (d) As used in this Section, "cross burning" is considered
15 a virulent form of intimidation with a long and pernicious
16 history as a signal of impending violence.

17 (Source: P.A. 93-764, eff. 1-1-05.)