



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB0140

Introduced 1/30/2009, by Sen. Martin A. Sandoval

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/Art. 48 heading new  
720 ILCS 5/48-1 new  
720 ILCS 5/48-5 new  
720 ILCS 5/48-10 new

Amends the Criminal Code of 1961. Creates the Gang-related Crimes Law. Creates the offense of active participation in a criminal street gang. Provides that a person commits the offense who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a course or pattern of criminal gang activity, and who willfully promotes, furthers, assists, or benefits from any felonious criminal conduct by members of that criminal street gang. Provides that a person who commits active participation in a criminal street gang is guilty of conspiracy to commit the felonious conduct of the criminal street gang. Creates the offense of disorderly promotion of a criminal street gang. Provides that a person commits the offense when he or she knowingly speaks a gang-related name or flashes a gang-related sign or symbol in such an unreasonable manner so as to alarm or disturb another and to provoke a breach of the peace. Provides that a violation is a Class C misdemeanor.

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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 adding  
5 Article 48 as follows:

6 (720 ILCS 5/Art. 48 heading new)

7 ARTICLE 48. GANG-RELATED CRIMES

8 (720 ILCS 5/48-1 new)

9 Sec. 48-1. Short title. This Article may be cited as the  
10 Gang-related Crimes Law.

11 (720 ILCS 5/48-5 new)

12 Sec. 48-5. Active participation in a criminal street gang.

13 (a) A person commits active participation in a criminal  
14 street gang who actively participates in any criminal street  
15 gang with knowledge that its members engage in or have engaged  
16 in a course or pattern of criminal gang activity, and who  
17 willfully promotes, furthers, assists, or benefits from any  
18 felonious criminal conduct by members of that criminal street  
19 gang. A person who commits active participation in a criminal  
20 street gang is guilty of conspiracy to commit the felonious  
21 conduct of the criminal street gang.

1       (b) Sentence. A person convicted of active participation in  
2 a criminal street gang may be sentenced in accordance with  
3 Section 8-2 of this Code.

4       (c) In this Section, "criminal street gang" and "course or  
5 pattern of criminal activity" have the meanings ascribed to  
6 them in Section 10 of the Illinois Streetgang Terrorism Omnibus  
7 Prevention Act.

8           (720 ILCS 5/48-10 new)

9       Sec. 48-10. Disorderly promotion of a criminal street gang.

10       (a) A person commits disorderly promotion of a criminal  
11 street gang when he or she knowingly speaks a gang-related name  
12 or flashes a gang-related sign or symbol in such an  
13 unreasonable manner so as to alarm or disturb another and to  
14 provoke a breach of the peace.

15       (b) Sentence. A violation of this Section is a Class C  
16 misdemeanor.

17       (c) In this Section, "criminal street gang" has the meaning  
18 ascribed to it in Section 10 of the Illinois Streetgang  
19 Terrorism Omnibus Prevention Act; and "gang-related name" and  
20 "gang-related sign or symbol" mean any name, sign or other  
21 symbol intended to identify a criminal street gang.