

HB3792



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3792

Introduced 6/21/2011, by Rep. Michael P. McAuliffe - Rosemary Mulligan - Angelo Saviano

SYNOPSIS AS INTRODUCED:

720 ILCS 5/25-1

from Ch. 38, par. 25-1

Amends the Criminal Code of 1961. Provides that in addition to other elements of the offense, "mob action" includes the knowing or reckless threat of force or violence disturbing the public peace by 2 or more persons acting together and without authority of law. Increases the penalties for mob action.

LRB097 12261 RLC 56723 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 25-1 as follows:

6 (720 ILCS 5/25-1) (from Ch. 38, par. 25-1)

7 Sec. 25-1. Mob action.

8 (a) A person commits the offense of mob action when he or
9 she engages in any of the following:

10 (1) the knowing or reckless use of force or violence or
11 threat of force or violence disturbing the public peace by
12 2 or more persons acting together and without authority of
13 law;

14 (2) the knowing assembly of 2 or more persons with the
15 intent to commit or facilitate the commission of a felony
16 or misdemeanor; or

17 (3) the knowing assembly of 2 or more persons, without
18 authority of law, for the purpose of doing violence to the
19 person or property of anyone supposed to have been guilty
20 of a violation of the law, or for the purpose of exercising
21 correctional powers or regulative powers over any person by
22 violence.

23 (b) Mob action as defined in paragraph (1) of subsection

1 (a) is a Class 3 ~~4~~ felony.

2 (c) Mob action as defined in paragraph ~~paragraphs~~ (2) ~~and~~
3 ~~(3)~~ of subsection (a) is a Class A ~~C~~ misdemeanor.

4 (c-5) Mob action as defined in paragraph (3) of subsection
5 (a) is a Class C misdemeanor.

6 (d) Notwithstanding any other provision of law to the
7 contrary, any ~~Any~~ participant in a mob action that by violence
8 inflicts great bodily harm or permanent disability or
9 disfigurement ~~injury~~ to ~~the person or property of~~ another
10 person commits a Class 2 ~~4~~ felony.

11 (d-5) Any participant in a mob action as defined in
12 paragraph (2) or (3) of subsection (a) that by violence
13 inflicts bodily harm to another person or damage to the
14 property of another commits a Class 4 felony.

15 (e) Any participant in a mob action who does not withdraw
16 on being commanded to do so by any peace officer commits a
17 Class A misdemeanor.

18 (f) In addition to any other sentence that may be imposed,
19 a court shall order any person convicted of mob action to
20 perform community service for not less than 30 and not more
21 than 120 hours, if community service is available in the
22 jurisdiction and is funded and approved by the county board of
23 the county where the offense was committed. In addition,
24 whenever any person is placed on supervision for an alleged
25 offense under this Section, the supervision shall be
26 conditioned upon the performance of the community service.

1 This subsection does not apply when the court imposes a
2 sentence of incarceration.

3 (Source: P.A. 96-710, eff. 1-1-10.)