

1 AMENDMENT TO HOUSE BILL 136

2 AMENDMENT NO. _____. Amend House Bill 136 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Sections 12-7.1 and 21-1.2 and adding Section 8-2.1
6 as follows:

7 (720 ILCS 5/8-2.1 new)

8 Sec. 8-2.1. Conspiracy against civil rights.

9 (a) Offense. A person commits conspiracy against civil
10 rights when, without legal justification, he or she, with the
11 intent to interfere with the free exercise of any right or
12 privilege secured by the Constitution of the United States,
13 the Constitution of the State of Illinois, the laws of the
14 United States, or the laws of the State of Illinois by any
15 person or persons, agrees with another to inflict physical
16 harm on any other person or the threat of physical harm on
17 any other person and either the accused or a co-conspirator
18 has committed any act in furtherance of that agreement.

19 (b) Co-conspirators. It shall not be a defense to
20 conspiracy against civil rights that a person or persons with
21 whom the accused is alleged to have conspired:

22 (1) has not been prosecuted or convicted; or

- 1 (2) has been convicted of a different offense; or
- 2 (3) is not amenable to justice; or
- 3 (4) has been acquitted; or
- 4 (5) lacked the capacity to commit an offense.

5 (c) Sentence. Conspiracy against civil rights is a
 6 Class 4 felony for a first offense and a Class 2 felony for a
 7 second or subsequent offense.

8 (720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)
 9 Sec. 12-7.1. Hate crime.

10 (a) A person commits hate crime when, by reason of the
 11 actual or perceived race, color, creed, religion, ancestry,
 12 gender, sexual orientation, physical or mental disability, or
 13 national origin of another individual or group of
 14 individuals, regardless of the existence of any other
 15 motivating factor or factors, he commits assault, battery,
 16 aggravated assault, misdemeanor theft, criminal trespass to
 17 residence, misdemeanor criminal damage to property, criminal
 18 trespass to vehicle, criminal trespass to real property, mob
 19 action or disorderly conduct as these crimes are defined in
 20 Sections 12-1, 12-2, 12-3, 16-1, 19-4, 21-1, 21-2, 21-3,
 21 25-1, and 26-1 of this Code, respectively, or harassment by
 22 telephone as defined in Section 1-1 of the Harassing and
 23 Obscene Communications Act against-a-victim-who-is:--(i)--the
 24 other--individual;--(ii)--a-member-of-the-group-of-individuals;
 25 (iii)--a-person-who-has-an-association-with,-is-married-to,-or
 26 has-a-friendship-with-the-other-individual-or-a-member-of-the
 27 group-of--individuals;--or--(iv)--a--relative--(by--blood--or
 28 marriage)--of--a--person--described--in--clause-(i),-(ii),-or
 29 (iii).

30 (b) Except as provided in subsection (b-5), hate crime
 31 is a Class 4 felony for a first offense and a Class 2 felony
 32 for a second or subsequent offense. ~~Any order--of--probation~~
 33 ~~or--conditional--discharge-entered-following-a-conviction-for~~

1 an offense under this Section shall include, a condition
 2 that the offender perform public or community service of no
 3 less than 200 hours if that service is established in the
 4 county where the offender was convicted of hate crime. In
 5 addition the court may impose any other condition of
 6 probation or conditional discharge under this Section.

7 (b-5) Hate crime is a Class 3 felony for a first offense
 8 and a Class 2 felony for a second or subsequent offense if
 9 committed:

10 (1) in a church, synagogue, mosque, or other
 11 building, structure, or place used for religious worship
 12 or other religious purpose;

13 (2) in a cemetery, mortuary, or other facility used
 14 for the purpose of burial or memorializing the dead;

15 (3) in a school or other educational facility;

16 (4) in a public park or an ethnic or religious
 17 community center;

18 (5) on the real property comprising any location
 19 specified in clauses (1) through (4) of this subsection
 20 (b-5); or

21 (6) on a public way within 1,000 feet of the real
 22 property comprising any location specified in clauses (1)
 23 through (4) of this subsection (b-5).

24 (b-10) Upon imposition of any sentence, the trial court
 25 shall also either order restitution paid to the victim or
 26 impose a fine up to \$1,000. In addition, any order of
 27 probation or conditional discharge entered following a
 28 conviction or an adjudication of delinquency shall include a
 29 condition that the offender perform public or community
 30 service of no less than 200 hours if that service is
 31 established in the county where the offender was convicted of
 32 hate crime. The court may also impose any other condition of
 33 probation or conditional discharge under this Section.

34 (c) Independent of any criminal prosecution or the

1 result thereof, any person suffering injury to his person or
2 damage to his property as a result of hate crime may bring a
3 civil action for damages, injunction or other appropriate
4 relief. The court may award actual damages, including damages
5 for emotional distress, or punitive damages. A judgment may
6 include attorney's fees and costs. The parents or legal
7 guardians, other than guardians appointed pursuant to the
8 Juvenile Court Act or the Juvenile Court Act of 1987, of an
9 unemancipated minor shall be liable for the amount of any
10 judgment for actual damages rendered against such minor under
11 this subsection (c) in any amount not exceeding the amount
12 provided under Section 5 of the Parental Responsibility Law.

13 (d) "Sexual orientation" means heterosexuality,
14 homosexuality, or bisexuality.

15 (Source: P.A. 89-689, eff. 12-31-96; 90-578, eff. 6-1-98.)

16 (720 ILCS 5/21-1.2) (from Ch. 38, par. 21-1.2)

17 Sec. 21-1.2. Institutional vandalism.

18 (a) A person commits institutional vandalism when, by
19 reason of the actual or perceived race, color, creed,
20 religion or national origin of another individual or group of
21 individuals, regardless of the existence of any other
22 motivating factor or factors, he or she knowingly and without
23 consent inflicts damage to any of the following properties:

24 (1) A church, synagogue, mosque, or other building,
25 structure or place used for religious worship or other
26 religious purpose;

27 (2) A cemetery, mortuary, or other facility used
28 for the purpose of burial or memorializing the dead;

29 (3) A school, educational facility or community
30 center;

31 (4) The grounds adjacent to, and owned or rented
32 by, any institution, facility, building, structure or
33 place described in paragraphs (1), (2) or (3) of this

1 subsection (a); or

2 (5) Any personal property contained in any
3 institution, facility, building, structure or place
4 described in paragraphs (1), (2) or (3) of this
5 subsection (a).

6 (b) Institutional vandalism is a Class 3 felony if the
7 damage to the property does not exceed \$300. Institutional
8 vandalism is a Class 2 felony if the damage to the property
9 exceeds \$300. Institutional vandalism is a Class 2 felony for
10 any second or subsequent offense.

11 (b-5) Upon imposition of any sentence, the trial court
12 shall also either order restitution paid to the victim or
13 impose a fine up to \$1,000. In addition, any order of
14 probation or conditional discharge entered following a
15 conviction or an adjudication of delinquency shall include a
16 condition that the offender perform public or community
17 service of no less than 200 hours if that service is
18 established in the county where the offender was convicted of
19 institutional vandalism. The court may also impose any other
20 condition of probation or conditional discharge under this
21 Section.

22 (c) Independent of any criminal prosecution or the
23 result of that prosecution, a person suffering damage to
24 property or injury to his or her person as a result of
25 institutional vandalism may bring a civil action for damages,
26 injunction or other appropriate relief. The court may award
27 actual damages, including damages for emotional distress, or
28 punitive damages. A judgment may include attorney's fees and
29 costs. The parents or legal guardians of an unemancipated
30 minor, other than guardians appointed under the Juvenile
31 Court Act or the Juvenile Court Act of 1987, shall be liable
32 for the amount of any judgment for actual damages rendered
33 against the minor under this subsection (e) in an amount not
34 exceeding the amount provided under Section 5 of the Parental

1 Responsibility Law.

2 (Source: P.A. 88-659.)".