

1 AN ACT in relation to hate crimes.

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

27 (c) Sentence. Conspiracy against civil rights is a
28 Class 4 felony for a first offense and a Class 2 felony for a
29 second or subsequent offense.

30 (720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)

1 Sec. 12-7.1. Hate crime.

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

22 (b) Except as provided in subsection (b-5), hate crime
23 is a Class 4 felony for a first offense and a Class 2 felony
24 for a second or subsequent offense. Any-order--of--probation
25 or--conditional--discharge-entered-following-a-conviction-for
26 an-offense-under-this-Section--shall--include,---a--condition
27 that--the--offender-perform-public-or-community-service-of-no
28 less-than-200-hours-if-that-service--is--established--in--the
29 county--where--the--offender-was-convicted-of-hate-crime.--In
30 addition--the--court--may--impose--any--other--condition---of
31 probation-or-conditional-discharge-under-this-Section.

32 (b-5) Hate crime is a Class 3 felony for a first offense
33 and a Class 2 felony for a second or subsequent offense if
34 committed:

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

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

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

7 (4) in a public park or an ethnic or religious
8 community center;

9 (5) on the real property comprising any location
10 specified in clauses (1) through (4) of this subsection
11 (b-5); or

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

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

25 (c) Independent of any criminal prosecution or the
26 result thereof, any person suffering injury to his person or
27 damage to his property as a result of hate crime may bring a
28 civil action for damages, injunction or other appropriate
29 relief. The court may award actual damages, including damages
30 for emotional distress, or punitive damages. A judgment may
31 include attorney's fees and costs. The parents or legal
32 guardians, other than guardians appointed pursuant to the
33 Juvenile Court Act or the Juvenile Court Act of 1987, of an
34 unemancipated minor shall be liable for the amount of any

1 judgment for actual damages rendered against such minor under
2 this subsection (c) in any amount not exceeding the amount
3 provided under Section 5 of the Parental Responsibility Law.

4 (d) "Sexual orientation" means heterosexuality,
5 homosexuality, or bisexuality.

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

7 (720 ILCS 5/21-1.2) (from Ch. 38, par. 21-1.2)

8 Sec. 21-1.2. Institutional vandalism.

9 (a) A person commits institutional vandalism when, by
10 reason of the actual or perceived race, color, creed,
11 religion or national origin of another individual or group of
12 individuals, regardless of the existence of any other
13 motivating factor or factors, he or she knowingly and without
14 consent inflicts damage to any of the following properties:

15 (1) A church, synagogue, mosque, or other building,
16 structure or place used for religious worship or other
17 religious purpose;

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

20 (3) A school, educational facility or community
21 center;

22 (4) The grounds adjacent to, and owned or rented
23 by, any institution, facility, building, structure or
24 place described in paragraphs (1), (2) or (3) of this
25 subsection (a); or

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

30 (b) Institutional vandalism is a Class 3 felony if the
31 damage to the property does not exceed \$300. Institutional
32 vandalism is a Class 2 felony if the damage to the property
33 exceeds \$300. Institutional vandalism is a Class 2 felony for

1 any second or subsequent offense.

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

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

27 (Source: P.A. 88-659.)