

1 AMENDMENT TO SENATE BILL 557

2 AMENDMENT NO. _____. Amend Senate Bill 557 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 adding Article 48 as follows:

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

7 ARTICLE 48. PROMOTING A CRIMINAL RAVE

8 (720 ILCS 5/48-1 new)

9 Sec. 48-1. Legislative findings and intent.

10 (a) The General Assembly finds that raves:

11 (1) are dance parties that are extremely conducive
12 to the unlawful delivery, possession, and use of
13 controlled substances;

14 (2) expose their participants, most of whom are
15 under the age of 25 and some of whom are as young as the
16 age of 12, to drug activity that can result in drug
17 addiction, great bodily harm, and death;

18 (3) provide an arena for predatory sexual crimes;

19 (4) further the interests of organized criminals;

20 (5) foster attitudes of toleration towards the
21 unlawful delivery, possession, and use of controlled

1 substances and contempt or indifference towards the laws
2 controlling those substances;

3 (6) increase the dropout, truancy, and failure
4 rates of children attending schools within this State;

5 (7) interfere with the duty of parents and legal
6 guardians to provide for the physical, mental, and
7 emotional well-being of their children and the rights of
8 parents to raise their children free from physical,
9 mental and emotional harm caused by the unlawful use of
10 controlled substances; and

11 (8) increase the costs incurred by the citizens of
12 this State for law enforcement, insurance, and medical
13 services.

14 (b) The General Assembly finds that, in light of the
15 findings made in subsection (a), raves and similarly
16 structured activities are matters of legitimate, substantial,
17 and compelling governmental interest that give rise to a
18 special need to shield minors and young adults who attend
19 raves from the problems enumerated in subsection (a) and
20 safeguard the rights of parents and legal guardians of
21 unemancipated minors who attend raves. The General Assembly
22 further finds that, by knowingly creating, permitting, or
23 fostering environments in which uninitiated and vulnerable
24 minors and young adults can be initially exposed to
25 controlled substances that may cause great bodily harm,
26 death, or addiction, persons who promote or facilitate
27 criminal raves are as culpable as persons who manufacture or
28 deliver those substances. It is therefore the intent of the
29 General Assembly to address the problems presented by raves
30 by the enactment of criminal penalties and civil sanctions
31 and causes of action.

32 (720 ILCS 5/48-5 new)

33 Sec. 48-5. Definitions. As used in this Article:

1 "Controlled substance" means any drug, substance or
2 precursor listed in the Schedules of Article II of the
3 Illinois Controlled Substances Act.

4 "Deliver" or "delivery" mean the actual, constructive, or
5 attempted transfer of controlled substances, with or without
6 consideration, whether or not there is an agency
7 relationship.

8 "Knowledge" or "knowingly" or "know" (1) have the meaning
9 ascribed to them in Section 4-5 of the Criminal Code of 1961,
10 or (2) mean willful ignorance or blindness to the existence
11 of material facts or circumstances.

12 "Rave" means a party-like event at which 25 or more
13 persons pay money or other consideration or make a purchase
14 of anything of value in order to enter or remain in a
15 building, room or area where the participants dance or
16 otherwise socialize against a background of music that is
17 electronically produced, reproduced, or transmitted.

18 (720 ILCS 5/48-10 new)

19 Sec. 48-10. Promoting a criminal rave.

20 (a) A person commits the offense of promoting a criminal
21 rave if he or she manages or controls any building, room or
22 area either as owner, lessee, agent, employee, or mortgagee
23 on which a rave is conducted and, during the course of the
24 rave, knowingly rents, leases or makes available for use,
25 with or without consideration, that building, room, or area
26 for the purpose of possessing, delivering, or using a
27 controlled substance in violation of the Illinois Controlled
28 Substances Act.

29 (b) Sentence. Promoting a criminal rave is a Class 2
30 felony.

31 (720 ILCS 5/48-15 new)

32 Sec. 48-15. Aggravated promotion of a criminal rave.

1 (a) Any person who violates Section 48-10 with knowledge
2 that any person under the age of 18 is in attendance at the
3 rave that was the subject of the violation commits the
4 offense of aggravated promotion of a rave.

5 (b) Sentence. Aggravated promotion of a rave is a Class
6 1 felony.

7 (720 ILCS 5/48-20 new)

8 Sec. 48-20. Forfeiture of property.

9 (a) Any person who is convicted of a violation of
10 Section 48-10 or Section 48-15 of this Article shall forfeit
11 to the State of Illinois all proceeds received from the rave
12 that was the subject of the violation.

13 (b) Any person convicted of a violation of Section 48-10
14 or Section 48-15 of this Article shall forfeit to the State
15 of Illinois all personal property used to facilitate the rave
16 that was the subject of the violation.

17 (720 ILCS 5/48-25 new)

18 Sec. 48-25. Civil liability. Any person who violates
19 Section 48-15 of this Article shall be liable to the parent
20 or legal guardian of an unemancipated minor under the age of
21 18 who attended the rave that was the subject of the
22 violation in an amount not less than \$5,000. If a controlled
23 substance was delivered to the minor during the course of the
24 rave, the person shall be liable to the parent or legal
25 guardian of the minor in an amount not less than \$10,000. If
26 the minor suffers death or incurs any harm or injury as a
27 result of having ingested a controlled substance obtained or
28 ingested at the rave, the person shall be liable to the
29 parent or legal guardian of the minor for all damages
30 resulting from the death or injury and the court may award
31 punitive damages."