

Education and Training Division

Distribution: All Sworn Members

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HATE CRIME

LEGAL DEFINITION

Hate Crime is defined by Illinois law (720 ILCS 5/12-7.1) as follows: "a person commits hate crime when, by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals, he or she commits assault, battery, aggravated assault, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action or disorderly conduct as these crimes are defined in Sections 12-1, 12-2, 12-3, 16-1, 19-4, 21-1, 21-2, 21-3, 25-1, and 26-1 of this Code, respectively; or harassment by telephone, as defined in Section 1-1 of the Obscene Phone Call Act (720 ILCS 135/1-1) 1, against a victim who is: (i) the other individual; (ii) a member of the group of individuals; (iii) a person who has an association with, is married to, or has a friendship with the other individual or a member of the group of individuals; (iv) or a relative (by blood or marriage) of a person described in clause (i), (ii) or (iii). Hate crime is a Class 4 or Class 3 Felony for a first offense and a Class 2 felony for a second or subsequent offense." The exception to this rule is provided in Subsection B-5 of the Illinois Criminal Code, Sec. 12-7.1.

HATE CRIME INDICATORS

- Racial, ethnic, gender and cultural differences of offenders(s)/victim(s)
- Comments, written statements and gestures of offender(s)
- Drawings, markings, symbols and graffiti made by offender(s)
- Involvement of organized hate groups or their members
- Previous existence of Hate Crimes or hate incidents
- Victim/witness perception
- Location of incident
- Lack of any other apparent motive