



HB 1759

DuPage County NAACP opposes HB 1759 as an unnecessary law. The bill is based on past legislation coming from the ultra-conservative American Legislative Exchange Council (“ALEC”). ALEC has a history of pushing similar bills across the country. ALEC has also been a key backer of many voter suppression bills that adversely affect people of color. ALEC supported the proliferation of Florida’s “Stand Your Ground” laws, which prevented the arrest of George Zimmerman after he killed Trayvon Martin.

HB 1759 is designed to limit peaceful protests and deny citizens their constitutional right to exercise freedom of speech. Similar Bills were first adopted in North and South Dakota where indigenous activists peacefully protested oil pipelines such as Keystone XL and Dakota Access. The law was created to use against those protestors. This law is currently facing lawsuits in South Dakota and Louisiana.

The right to protest and peacefully assemble is the bedrock of a functioning democracy and is the core of the First Amendment. Many of our most fundamental freedoms and civil rights were won through mass protests. It is exemplified by the Civil Rights movement and Women’s Suffrage; however, opponents continue to try to find ways to criminalize peaceful protesters.

HB 1759 would significantly enhance criminal penalties for anyone entering or causing damage to a very loosely defined set of critical infrastructure facilities. HB 1759 defines critical infrastructure very broadly including power lines; chemical, polymer, steel, or rubber manufacturing facilities; telecommunications switching offices; cell towers, telephone poles and lines, railroad tracks, trucking terminals, freight transportation facilities, and/or storage facility that is enclosed by a fence or other physical barrier.

HB 1759 invents new crimes with excessive penalties for activities that are lawful and constitutional and would make any amount of property damage during a peaceful protest a felony. The bill would make drawing on a building with a marker a felony charge punishable by up to 3 years in prison.

HB 1759 threatens to disproportionately harm people of color. It significantly enhances criminal penalties by turning low-level offenses into felonies and worsens the already excessively harsh treatment, of Blacks and other people of color within the criminal justice system. Black people are more than twice as likely to be arrested during public protests compared to whites.

DuPage County NAACP urges all elected official as well as its community partners to oppose HB 1759. We implore its sponsor, Rep. Jay Hoffman, to table HB 1759 and to not introduce it in any future session.

Our Struggle Continues.

Michael L. Childress, President
DuPage County NAACP