

1 AN ACT concerning criminal law.

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 21-1 and 21-3 as follows:

6 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)  
7 Sec. 21-1. Criminal damage to property.

8 (1) A person commits an illegal act when he:

9 (a) knowingly damages any property of another  
10 without his consent; or

11 (b) recklessly by means of fire or explosive  
12 damages property of another; or

13 (c) knowingly starts a fire on the land of another  
14 without his consent; or

15 (d) knowingly injures a domestic animal of another  
16 without his consent; or

17 (e) knowingly deposits on the land or in the  
18 building of another, without his consent, any stink bomb  
19 or any offensive smelling compound and thereby intends to  
20 interfere with the use by another of the land or  
21 building; or

22 (f) damages any property, other than as described  
23 in subsection (b) of Section 20-1, with intent to defraud  
24 an insurer; or

25 (g) knowingly shoots a firearm at any portion of a  
26 railroad train.

27 When the charge of criminal damage to property exceeding  
28 a specified value is brought, the extent of the damage is an  
29 element of the offense to be resolved by the trier of fact as  
30 either exceeding or not exceeding the specified value.

31 (2) The acts described in items (a), (b), (c), (e), and

1 (f) are Class A misdemeanors if the damage to property does  
2 not exceed \$300. The acts described in items (a), (b), (c),  
3 (e), and (f) are Class 4 felonies if the damage to property  
4 does not exceed \$300 if the damage occurs to property of a  
5 school or place of worship or to farm equipment or immovable  
6 items of agricultural production, including but not limited  
7 to grain bins and barns. The act described in item (d) is a  
8 Class 4 felony if the damage to property does not exceed  
9 \$10,000. The act described in item (g) is a Class 4 felony.  
10 The acts described in items (a), (b), (c), (e), and (f) are  
11 Class 4 felonies if the damage to property exceeds \$300 but  
12 does not exceed \$10,000. The acts described in items (a)  
13 through (f) are Class 3 felonies if the damage to property  
14 exceeds \$300 but does not exceed \$10,000 if the damage occurs  
15 to property of a school or place of worship or to farm  
16 equipment or immovable items of agricultural production,  
17 including but not limited to grain bins and barns. The acts  
18 described in items (a) through (f) are Class 3 felonies if  
19 the damage to property exceeds \$10,000 but does not exceed  
20 \$100,000. The acts described in items (a) through (f) are  
21 Class 2 felonies if the damage to property exceeds \$10,000  
22 but does not exceed \$100,000 if the damage occurs to property  
23 of a school or place of worship or to farm equipment or  
24 immovable items of agricultural production, including but not  
25 limited to grain bins and barns. The acts described in items  
26 (a) through (f) are Class 2 felonies if the damage to  
27 property exceeds \$100,000. The acts described in items (a)  
28 through (f) are Class 1 felonies if the damage to property  
29 exceeds \$100,000 and the damage occurs to property of a  
30 school or place of worship or to farm equipment or immovable  
31 items of agricultural production, including but not limited  
32 to grain bins and barns. If the damage to property exceeds  
33 \$10,000, the court shall impose upon the offender a fine  
34 equal to the value of the damages to the property.

1 For the purposes of this subsection (2), "farm equipment"  
2 means machinery or other equipment used in farming.

3 (3) In addition to any other sentence that may be  
4 imposed, a court shall order any person convicted of criminal  
5 damage to property to perform community service for not less  
6 than 30 and not more than 120 hours, if community service is  
7 available in the jurisdiction and is funded and approved by  
8 the county board of the county where the offense was  
9 committed. In addition, whenever any person is placed on  
10 supervision for an alleged offense under this Section, the  
11 supervision shall be conditioned upon the performance of the  
12 community service.

13 This subsection does not apply when the court imposes a  
14 sentence of incarceration.

15 (Source: P.A. 91-360, eff. 7-29-99; 92-454, eff. 1-1-02.)

16 (720 ILCS 5/21-3) (from Ch. 38, par. 21-3)  
17 Sec. 21-3. Criminal trespass to real property.

18 (a) Except as provided in subsection (a-5), whoever:

19 (1) knowingly and without lawful authority enters  
20 or remains within or on a building; or

21 (2) enters upon the land of another, after  
22 receiving, prior to such entry, notice from the owner or  
23 occupant that such entry is forbidden; or

24 (3) remains upon the land of another, after  
25 receiving notice from the owner or occupant to depart; or

26 ~~(4) enters upon one of the following areas in or on~~  
27 ~~a motor vehicle (including an off-road vehicle,~~  
28 ~~motorcycle, moped, or any other powered two-wheel~~  
29 ~~vehicle), after receiving prior to that entry, notice~~  
30 ~~from the owner or occupant that the entry is forbidden or~~  
31 ~~remains upon or in the area after receiving notice from~~  
32 ~~the owner or occupant to depart;~~

33 ~~(A) any field that is used for growing crops~~

1           ~~er-which-is-capable-of-being-used-for-growing-crops;~~  
2           ~~er~~  
3           ~~(B)--an-enclosed-area-containing-livestock;-er~~  
4           ~~(C)--er-an-orchard;-er~~  
5           ~~(D)--a--barn--er--ether--agricultural--building~~  
6           ~~containing-livestock;~~

7 commits a Class B misdemeanor.

8           For purposes of item (1) of this subsection, this Section  
9 shall not apply to being in a building which is open to the  
10 public while the building is open to the public during its  
11 normal hours of operation; nor shall this Section apply to a  
12 person who enters a public building under the reasonable  
13 belief that the building is still open to the public.

14           (a-5) Except as otherwise provided in this subsection,  
15 whoever enters upon any of the following areas in or on a  
16 motor vehicle (including an off-road vehicle, motorcycle,  
17 moped, or any other powered two-wheel vehicle) after  
18 receiving, prior to that entry, notice from the owner or  
19 occupant that the entry is forbidden or remains upon or in  
20 the area after receiving notice from the owner or occupant to  
21 depart commits a Class A misdemeanor:

22           (1) A field that is used for growing crops or that  
23 is capable of being used for growing crops.

24           (2) An enclosed area containing livestock.

25           (3) An orchard.

26           (4) A barn or other agricultural building  
27 containing livestock.

28           Whoever commits the offense described in this subsection  
29 on or after September 1 but before November 1 commits a Class  
30 4 felony.

31           (b) A person has received notice from the owner or  
32 occupant within the meaning of Subsection (a) if he has been  
33 notified personally, either orally or in writing including a  
34 valid court order as defined by subsection (7) of Section

1 112A-3 of the Code of Criminal Procedure of 1963 granting  
2 remedy (2) of subsection (b) of Section 112A-14 of that Code,  
3 or if a printed or written notice forbidding such entry has  
4 been conspicuously posted or exhibited at the main entrance  
5 to such land or the forbidden part thereof.

6 (c) This Section does not apply to any person, whether a  
7 migrant worker or otherwise, living on the land with  
8 permission of the owner or of his agent having apparent  
9 authority to hire workers on such land and assign them living  
10 quarters or a place of accommodations for living thereon, nor  
11 to anyone living on such land at the request of, or by  
12 occupancy, leasing or other agreement or arrangement with the  
13 owner or his agent, nor to anyone invited by such migrant  
14 worker or other person so living on such land to visit him at  
15 the place he is so living upon the land.

16 (d) A person shall be exempt from prosecution under this  
17 Section if he beautifies unoccupied and abandoned residential  
18 and industrial properties located within any municipality.  
19 For the purpose of this subsection, "unoccupied and abandoned  
20 residential and industrial property" means any real estate  
21 (1) in which the taxes have not been paid for a period of at  
22 least 2 years; and (2) which has been left unoccupied and  
23 abandoned for a period of at least one year; and "beautifies"  
24 means to landscape, clean up litter, or to repair dilapidated  
25 conditions on or to board up windows and doors.

26 (e) No person shall be liable in any civil action for  
27 money damages to the owner of unoccupied and abandoned  
28 residential and industrial property which that person  
29 beautifies pursuant to subsection (d) of this Section.

30 (f) This Section does not prohibit a person from  
31 entering a building or upon the land of another for emergency  
32 purposes. For purposes of this subsection (f), "emergency"  
33 means a condition or circumstance in which an individual is  
34 or is reasonably believed by the person to be in imminent

1 danger of serious bodily harm or in which property is or is  
2 reasonably believed to be in imminent danger of damage or  
3 destruction.

4 (Source: P.A. 89-346, eff. 1-1-96; 89-373, eff. 1-1-96;  
5 89-626, eff. 8-9-96; 90-419, eff. 8-15-97.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.