



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4036

Introduced 1/14/2004, by Lou Lang

SYNOPSIS AS INTRODUCED:

720 ILCS 5/21-1

from Ch. 38, par. 21-1

Amends the Criminal Code of 1961 relating to criminal damage to property. Changes the threshold amount in which criminal damage to property is a felony from damage exceeding \$300 to damage exceeding \$1,500. Provides that if the damage occurs to property of a school or place of worship, changes the threshold amount for which the penalty is a Class 3 felony from damage exceeding \$300 to damage exceeding \$1,500.

LRB093 15176 RLC 40772 b

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 changing
5 Section 21-1 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 without
10 his consent; or

11 (b) recklessly by means of fire or explosive damages
12 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 building
18 of another, without his consent, any stink bomb or any
19 offensive smelling compound and thereby intends to
20 interfere with the use by another of the land or building;
21 or

22 (f) damages any property, other than as described in
23 subsection (b) of Section 20-1, with intent to defraud an
24 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 a
28 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 (f)
32 are Class A misdemeanors if the damage to property does not

1 exceed \$1,500 ~~\$300~~. The acts described in items (a), (b), (c),
2 (e), and (f) are Class 4 felonies if the damage to property
3 does not exceed \$1,500 ~~\$300~~ if the damage occurs to property of
4 a school or place of worship. The act described in item (d) is
5 a Class 4 felony if the damage to property does not exceed
6 \$10,000. The act described in item (g) is a Class 4 felony. The
7 acts described in items (a), (b), (c), (e), and (f) are Class 4
8 felonies if the damage to property exceeds \$1,500 ~~\$300~~ but does
9 not exceed \$10,000. The acts described in items (a) through (f)
10 are Class 3 felonies if the damage to property exceeds \$1,500
11 ~~\$300~~ but does not exceed \$10,000 if the damage occurs to
12 property of a school or place of worship. The acts described in
13 items (a) through (f) are Class 3 felonies if the damage to
14 property exceeds \$10,000 but does not exceed \$100,000. The acts
15 described in items (a) through (f) are Class 2 felonies if the
16 damage to property exceeds \$10,000 but does not exceed \$100,000
17 if the damage occurs to property of a school or place of
18 worship. The acts described in items (a) through (f) are Class
19 2 felonies if the damage to property exceeds \$100,000. The acts
20 described in items (a) through (f) are Class 1 felonies if the
21 damage to property exceeds \$100,000 and the damage occurs to
22 property of a school or place of worship. If the damage to
23 property exceeds \$10,000, the court shall impose upon the
24 offender a fine equal to the value of the damages to the
25 property.

26 (3) In addition to any other sentence that may be imposed,
27 a court shall order any person convicted of criminal damage to
28 property to perform community service for not less than 30 and
29 not more than 120 hours, if community service is available in
30 the jurisdiction and is funded and approved by the county board
31 of the county where the offense was committed. In addition,
32 whenever any person is placed on supervision for an alleged
33 offense under this Section, the supervision shall be
34 conditioned upon the performance of the community service.

35 This subsection does not apply when the court imposes a
36 sentence of incarceration.

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