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LRB093 20563 RLC 48350 a

1 AMENDMENT TO SENATE BILL 2499

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2499 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by  
5 changing Section 21-3 as follows:

6 (720 ILCS 5/21-3) (from Ch. 38, par. 21-3)  
7 Sec. 21-3. Criminal trespass to real property.

8 (a) Whoever:

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

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

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

16 (4) enters upon one of the following areas in or on a  
17 motor vehicle (including an off-road vehicle, motorcycle,  
18 moped, or any other powered two-wheel vehicle), after  
19 receiving prior to that entry, notice from the owner or  
20 occupant that the entry is forbidden or remains upon or in  
21 the area after receiving notice from the owner or occupant  
22 to depart:

23 (A) any field that is used for growing crops or  
24 which is capable of being used for growing crops; or

1 (B) an enclosed area containing livestock; or  
2 (C) or an orchard; or  
3 (D) a barn or other agricultural building  
4 containing livestock;  
5 commits a Class B misdemeanor.

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

12 (b) A person has received notice from the owner or occupant  
13 within the meaning of Subsection (a) if he has been notified  
14 personally, either orally or in writing including a valid court  
15 order as defined by subsection (7) of Section 112A-3 of the  
16 Code of Criminal Procedure of 1963 granting remedy (2) of  
17 subsection (b) of Section 112A-14 of that Code, or if a printed  
18 or written notice forbidding such entry has been conspicuously  
19 posted or exhibited at the main entrance to such land or the  
20 forbidden part thereof.

21 (c) This Section does not apply to any person, whether a  
22 migrant worker or otherwise, living on the land with permission  
23 of the owner or of his agent having apparent authority to hire  
24 workers on such land and assign them living quarters or a place  
25 of accommodations for living thereon, nor to anyone living on  
26 such land at the request of, or by occupancy, leasing or other  
27 agreement or arrangement with the owner or his agent, nor to  
28 anyone invited by such migrant worker or other person so living  
29 on such land to visit him at the place he is so living upon the  
30 land.

31 (d) A person shall be exempt from prosecution under this  
32 Section if he beautifies unoccupied and abandoned residential  
33 and industrial properties located within any municipality. For  
34 the purpose of this subsection, "unoccupied and abandoned

1 residential and industrial property" means any real estate (1)  
2 in which the taxes have not been paid for a period of at least 2  
3 years; and (2) which has been left unoccupied and abandoned for  
4 a period of at least one year; and "beautifies" means to  
5 landscape, clean up litter, or to repair dilapidated conditions  
6 on or to board up windows and doors.

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

11 (f) This Section does not prohibit a person from entering a  
12 building or upon the land of another for emergency purposes.  
13 For purposes of this subsection (f), "emergency" means a  
14 condition or circumstance in which an individual is or is  
15 reasonably believed by the person to be in imminent danger of  
16 serious bodily harm or in which property is or is reasonably  
17 believed to be in imminent danger of damage or destruction.

18 (g) Trespass with an all-terrain vehicle.

19 (1) A person may not operate an all-terrain vehicle on  
20 land without the permission of the owner of the land. A  
21 violation of this subsection (g) is a Class B misdemeanor.

22 (2) The owner of the land may recover damages in a  
23 civil action against the trespasser. The court shall award  
24 the owner the damages specified in this subsection (g). The  
25 trespasser shall also be liable for court costs and the  
26 owner's reasonable attorneys fees.

27 (3) The measure of damages shall be:

28 (A) The actual damages, but not less than \$500: (i)  
29 if the all-terrain vehicle is operated in a nature  
30 preserve area as defined in Section 3.11 of the  
31 Illinois Natural Areas Preservation Act, or (ii) if the  
32 owner has posted signs prohibiting entry by  
33 all-terrain vehicles; or

34 (B) Three times the actual damages, but not less

1 than \$5000, if the owner has previously notified the  
2 trespasser to cease trespassing; or

3 (C) Otherwise, the trespasser shall be liable for  
4 actual damages, but not less than \$50.

5 (4) If the person operating the all-terrain vehicle is  
6 a minor, the owner of the vehicle, and the parents and  
7 legal guardians of the minor are jointly and severally  
8 liable.

9 (5) Payment of the damages under this subsection (g) is  
10 a defense to a criminal charge of trespass under this  
11 Section, and to a charge of illegal operation of an  
12 all-terrain vehicle in a nature preserve area under  
13 subsection (c) of Section 11-1427 of the Illinois  
14 Vehicle Code, and to all other civil actions for  
15 trespass. Payment does not otherwise absolve the  
16 operator of the all-terrain vehicle from compliance  
17 with laws and regulations governing the operation of  
18 those vehicle.

19 (6) Any not for profit organization may enforce the  
20 prohibition of this subsection (g) as the owner. Any  
21 not for profit organization devoted to protecting  
22 land, plant life or wildlife may also enter into an  
23 agreement to enforce the prohibition of this  
24 subsection (g) on behalf of another owner. Collection  
25 of damages, costs and attorneys fees shall be deemed to  
26 be consistent with such organization's not for profit  
27 status. If the attorney is an employee of such not for  
28 profit organization, the amount of attorneys fees  
29 shall be based on the usual and customary fees charged  
30 by attorneys engaged in small claims collections in the  
31 county in which the action is brought.

32 (7) The term "all-terrain vehicle" is as defined in  
33 Section 1-101.8 of the Illinois Vehicle Code.

34 (Source: P.A. 89-346, eff. 1-1-96; 89-373, eff. 1-1-96; 89-626,

1 eff. 8-9-96; 90-419, eff. 8-15-97.)".