



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB0120**

Introduced 1/7/2005, by Rep. Bill Mitchell

**SYNOPSIS AS INTRODUCED:**

720 ILCS 5/21-1	from Ch. 38, par. 21-1
720 ILCS 5/21-3	from Ch. 38, par. 21-3

Amends the Criminal Code of 1961. Provides heightened criminal penalties for criminal damage to farm equipment or immovable items of agricultural production, including but not limited to grain bins and barns. Provides that trespass on certain agricultural properties is a Class A misdemeanor. Effective immediately.

LRB094 05519 RLC 35568 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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

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

35 (3) In addition to any other sentence that may be imposed,  
36 a court shall order any person convicted of criminal damage to

1 property to perform community service for not less than 30 and  
2 not more than 120 hours, if community service is available in  
3 the jurisdiction and is funded and approved by the county board  
4 of the county where the offense was committed. In addition,  
5 whenever any person is placed on supervision for an alleged  
6 offense under this Section, the supervision shall be  
7 conditioned upon the performance of the community service.

8 This subsection does not apply when the court imposes a  
9 sentence of incarceration.

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

11 (720 ILCS 5/21-3) (from Ch. 38, par. 21-3)

12 Sec. 21-3. Criminal trespass to real property.

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

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

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

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

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

28 ~~(A) any field that is used for growing crops or~~  
29 ~~which is capable of being used for growing crops; or~~

30 ~~(B) an enclosed area containing livestock; or~~

31 ~~(C) or an orchard; or~~

32 ~~(D) a barn or other agricultural building~~  
33 ~~containing livestock;~~

34 commits a Class B misdemeanor.

35 For purposes of item (1) of this subsection, this Section

1 shall not apply to being in a building which is open to the  
2 public while the building is open to the public during its  
3 normal hours of operation; nor shall this Section apply to a  
4 person who enters a public building under the reasonable belief  
5 that the building is still open to the public.

6 (a-5) Except as otherwise provided in this subsection,  
7 whoever enters upon any of the following areas in or on a motor  
8 vehicle (including an off-road vehicle, motorcycle, moped, or  
9 any other powered two-wheel vehicle) after receiving, prior to  
10 that entry, notice from the owner or occupant that the entry is  
11 forbidden or remains upon or in the area after receiving notice  
12 from the owner or occupant to depart commits a Class A  
13 misdemeanor:

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

16 (2) An enclosed area containing livestock.

17 (3) An orchard.

18 (4) A barn or other agricultural building containing  
19 livestock.

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

29 (c) This Section does not apply to any person, whether a  
30 migrant worker or otherwise, living on the land with permission  
31 of the owner or of his agent having apparent authority to hire  
32 workers on such land and assign them living quarters or a place  
33 of accommodations for living thereon, nor to anyone living on  
34 such land at the request of, or by occupancy, leasing or other  
35 agreement or arrangement with the owner or his agent, nor to  
36 anyone invited by such migrant worker or other person so living

1 on such land to visit him at the place he is so living upon the  
2 land.

3 (d) A person shall be exempt from prosecution under this  
4 Section if he beautifies unoccupied and abandoned residential  
5 and industrial properties located within any municipality. For  
6 the purpose of this subsection, "unoccupied and abandoned  
7 residential and industrial property" means any real estate (1)  
8 in which the taxes have not been paid for a period of at least 2  
9 years; and (2) which has been left unoccupied and abandoned for  
10 a period of at least one year; and "beautifies" means to  
11 landscape, clean up litter, or to repair dilapidated conditions  
12 on or to board up windows and doors.

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

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

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

26 Section 99. Effective date. This Act takes effect upon  
27 becoming law.