



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0065

Introduced 1/26/2005, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

720 ILCS 5/37-1

from Ch. 38, par. 37-1

Amends the Criminal Code of 1961. Provides that any business conducted that: (1) violates a public right; (2) produces a common injury; (3) obstructs a public right; and (4) causes a public annoyance and any building used in the conduct of that business is a public nuisance and may be abated. Provides that the number of persons annoyed by the activities of the business is not a determinative factor as to whether the activities constitute a public nuisance but the possibility of annoyance to the public by the invasion of its rights. Provides that an activity may constitute a public nuisance if it injures the public generally who may be so circumstanced as to come within its influence.

LRB094 05340 RLC 35384 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning public nuisances.

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 37-1 as follows:

6 (720 ILCS 5/37-1) (from Ch. 38, par. 37-1)

7 Sec. 37-1. Maintaining Public Nuisance.

8 (a) Any building used in the commission of offenses
9 prohibited by Sections 9-1, 10-1, 10-2, 11-14, 11-15, 11-16,
10 11-17, 11-20, 11-20.1, 11-21, 11-22, 12-5.1, 16-1, 20-2, 23-1,
11 23-1(a)(1), 24-1(a)(7), 24-3, 28-1, 28-3, 31-5 or 39A-1 of the
12 Criminal Code of 1961, or prohibited by the Illinois Controlled
13 Substances Act, or the Cannabis Control Act, or used in the
14 commission of an inchoate offense relative to any of the
15 aforesaid principal offenses, or any real property erected,
16 established, maintained, owned, leased, or used by a streetgang
17 for the purpose of conducting streetgang related activity as
18 defined in Section 10 of the Illinois Streetgang Terrorism
19 Omnibus Prevention Act is a public nuisance.

20 (a-5) Any business conducted that: (1) violates a public
21 right; (2) produces a common injury; (3) obstructs a public
22 right; and (4) causes a public annoyance and any building used
23 in the conduct of that business is a public nuisance. For the
24 purposes of this subsection (a-5), the number of persons
25 annoyed by the activities of the business is not a
26 determinative factor as to whether the activities constitute a
27 public nuisance but the possibility of annoyance to the public
28 by the invasion of its rights. An activity may constitute a
29 public nuisance if it injures the public generally who may be
30 so circumstanced as to come within its influence.

31 (b) Sentence. A person convicted of knowingly maintaining
32 such a public nuisance commits a Class A misdemeanor. Each

1 subsequent offense under this Section is a Class 4 felony.
2 (Source: P.A. 91-876, eff. 1-1-01.)