



Judiciary II - Criminal Law Committee

Filed: 3/4/2010

09600HB4987ham001

LRB096 17720 AJT 37459 a

1 AMENDMENT TO HOUSE BILL 4987

2 AMENDMENT NO. _____. Amend House Bill 4987 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 18c-7502 as follows:

6 (625 ILCS 5/18c-7502) (from Ch. 95 1/2, par. 18c-7502)

7 Sec. 18c-7502. Malicious removal of or damage to railroad
8 property or freight.

9 (a) Malicious removal of or damage to railroad property or
10 freight.

11 A person is guilty of an offense if he or she is found to
12 have:

13 (i) removed, taken, stolen, changed, added to, taken
14 from, or in any manner changed, defaced, or interfered with
15 any of the parts or attachments of any locomotive or car,
16 or any plant or property used in or in connection with the

1 operation of any railroad carrier, locomotive, car, or
2 train, or shoots, throws, or drops any object onto or at
3 any train, locomotive, or car;

4 (ii) willfully and with intent to permanently deprive
5 the owner thereof, taken or removed railroad freight from
6 any freight car, including a boxcar, container, or flatbed;

7 ~~or~~

8 (iii) bought or received any of the railroad freight
9 described in item (ii), having reason to know that such
10 freight was stolen; or -

11 (iv) willfully placed upon an active railroad track or
12 railroad right of way any object or objects that would
13 adversely affect safe railroad operations.

14 (b) Penalties.

15 (1) If the railroad property damage does not exceed
16 \$500 and no bodily injury occurs to another as a result
17 of a violation of this Section, the person shall be
18 guilty of a Class A misdemeanor. Upon being found in
19 violation of item (i) of subsection (a), the person
20 shall, in addition to such other sanctions as may be
21 deemed appropriate by the court, be subject to pay the
22 railroad carrier involved the cost to repair any
23 railroad property damaged, and to perform community
24 service for not less than 30 hours or more than 120
25 hours. If community service is not available in the
26 jurisdiction where the offense was committed, that

1 person shall be subject to pay a fine of not less than
2 \$150 or more than \$1,000, or imprisonment for not less
3 than 5 days or more than 1 year, or both. If railroad
4 property damage exceeds \$500 or bodily injury occurs to
5 another as a result of a violation of this Section, the
6 person shall be guilty of a Class 4 felony. Upon being
7 found in violation of item (i) of subsection (a), the
8 person shall, in addition to such other sanctions as
9 may be deemed appropriate by the court, be subject to
10 pay the railroad carrier involved for the cost to
11 repair any railroad property damaged, and shall be
12 fined not less than \$1,000, nor more than \$25,000, or
13 imprisonment for not less than 1 year, or more than 3
14 years, or both. If serious bodily injury or death
15 occurs to another as a result of a violation of item
16 (i) of subsection (a), the person shall be guilty of a
17 Class 2 felony and shall, in addition to such sanctions
18 as may be deemed appropriate by the court, be subject
19 to pay the railroad carrier involved the cost to repair
20 any railroad property damaged, and shall be fined not
21 less than \$5,000 nor more than \$25,000, or imprisonment
22 for not less than 3 years nor more than 7 years, or
23 both. If any such action is malicious and is the cause
24 of wrecking any train, locomotive, or car in this State
25 whereby the life of any person is lost, the person
26 found guilty thereof shall be liable for first degree

1 murder and the person shall be subject to pay the
2 railroad carrier involved the cost to repair any
3 railroad property damaged.

4 (2) Upon being found in violation of item (ii), ~~or~~
5 (iii), or (iv) the person shall be guilty of a Class 4
6 felony. In addition to such other sanctions as may be
7 deemed appropriate by the court, the person shall be
8 subject to pay the railroad carrier involved for the
9 cost to repair any railroad property damaged, and shall
10 be fined not less than \$1,000, nor more than \$25,000,
11 or imprisoned for not less than 1 year nor more than 3
12 years.

13 (3) Local authorities shall impose fines as
14 established in this subsection (b) for persons found in
15 violation of this Section or any similar local
16 ordinance.

17 (c) Definitions. As used in this Section:

18 "Bodily injury" means:

19 (i) a cut, abrasion, bruise, bump, or disfigurement;

20 (ii) physical pain;

21 (iii) illness;

22 (iv) impairment of the function of a bodily member,
23 organ, or mental faculty; or

24 (v) any other injury to the body, no matter how
25 temporary.

26 "Railroad" means any form of nonhighway ground

1 transportation that runs on rails or electromagnetic
2 guideways, including:

3 (i) commuter or other short-haul railroad passenger
4 service in a metropolitan or urban area; and

5 (ii) high-speed ground transportation systems that
6 connect metropolitan areas, but does not include rapid
7 transit operations in an urban area that are not connected
8 to the general railroad system of transportation.

9 "Railroad carrier" means a person providing railroad
10 transportation.

11 "Railroad property" means all tangible property owned,
12 leased, or operated by a railroad carrier including a right of
13 way, track, bridge, yard, shop, station, tunnel, viaduct,
14 trestle, depot, warehouse, terminal, or any other structure,
15 appurtenance, or equipment owned, leased, or used in the
16 operation of any railroad carrier including trains,
17 locomotives, engines, railroad cars, work equipment, rolling
18 stock, or safety devices. "Railroad property" does not include
19 a railroad carrier's administrative buildings or offices,
20 office equipment, or intangible property such as software or
21 other information.

22 "Right of way" means the track or roadbed owned, leased, or
23 operated by a rail carrier that is located on either side of
24 its tracks and that is readily recognizable to a reasonable
25 person as being railroad property or is reasonably identified
26 as such by fencing or appropriate signs.

1 "Yard" means a system of parallel tracks, crossovers, and
2 switches where railroad cars are switched and made up into
3 trains, and where railroad cars, locomotives, and other rolling
4 stock is kept when not in use or when awaiting repair.

5 "Serious bodily injury" means bodily injury that involves:

6 (i) a substantial risk of death;

7 (ii) extreme physical pain;

8 (iii) protracted and obvious disfigurement; or

9 (iv) protracted loss or impairment of the function of a

10 bodily member, organ, or mental faculty.

11 (Source: P.A. 90-691, eff. 1-1-99; 91-532, eff. 1-1-00.)".