



Sen. Andy Manar

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09800HB3043sam001

LRB098 09361 RLC 45469 a

1 AMENDMENT TO HOUSE BILL 3043

2 AMENDMENT NO. _____. Amend House Bill 3043 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Section 21-1.3 as follows:

6 (720 ILCS 5/21-1.3)

7 Sec. 21-1.3. Criminal defacement of property.

8 (a) A person commits criminal defacement of property when
9 the person knowingly damages the property of another by
10 defacing, deforming, or otherwise damaging the property by the
11 use of paint or any other similar substance, or by the use of a
12 writing instrument, etching tool, or any other similar device.
13 It is an affirmative defense to a violation of this Section
14 that the owner of the property damaged consented to such
15 damage.

16 (b) Sentence.

1 (1) Criminal defacement of property is a Class A
2 misdemeanor for a first offense when the aggregate value of the
3 damage to the property does not exceed \$300. Criminal
4 defacement of property is a Class 4 felony when the aggregate
5 value of the damage to property does not exceed \$300 and the
6 property damaged is a school building or place of worship.
7 Criminal defacement of property is a Class 4 felony for a
8 second or subsequent conviction or when the aggregate value of
9 the damage to the property exceeds \$300. Criminal defacement of
10 property is a Class 3 felony when the aggregate value of the
11 damage to property exceeds \$300 and the property damaged is a
12 school building or place of worship.

13 (2) In addition to any other sentence that may be imposed
14 for a violation of this Section ~~that is chargeable as a Class 3~~
15 ~~or Class 4 felony~~, a person convicted of criminal defacement of
16 property shall:

17 (A) pay ~~be subject to a mandatory minimum fine of \$500~~
18 ~~plus~~ the actual costs incurred by the property owner or the
19 unit of government to abate, remediate, repair, or remove
20 the effect of the damage to the property. To the extent
21 permitted by law, reimbursement for the costs of abatement,
22 remediation, repair, or removal shall be payable to the
23 person who incurred the costs; and

24 (B) if convicted of criminal defacement of property
25 that is chargeable as a Class 3 or Class 4 felony pay a
26 mandatory minimum fine of \$500.

1 (3) In addition to any other sentence that may be imposed,
2 a court shall order any person convicted of criminal defacement
3 of property to perform community service for not less than 30
4 and not more than 120 hours, if community service is available
5 in the jurisdiction. The community service shall include, but
6 need not be limited to, the cleanup and repair of the damage to
7 property that was caused by the offense, or similar damage to
8 property located in the municipality or county in which the
9 offense occurred. When the property damaged is a school
10 building, the community service may include cleanup, removal,
11 or painting over the defacement. In addition, whenever any
12 person is placed on supervision for an alleged offense under
13 this Section, the supervision shall be conditioned upon the
14 performance of the community service.

15 (4) For the purposes of this subsection (b), aggregate
16 value shall be determined by adding the value of the damage to
17 one or more properties if the offenses were committed as part
18 of a single course of conduct.

19 (Source: P.A. 96-499, eff. 8-14-09; 97-1108, eff. 1-1-13.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."