

AN ACT concerning criminal law.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Criminal Code of 1961 is amended by changing Sections 21-1 and 21-1.3 as follows:

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

Sec. 21-1. Criminal damage to property.

(1) A person commits an illegal act when he:

(a) knowingly damages any property of another ~~without his consent~~; or

(b) recklessly by means of fire or explosive damages property of another; or

(c) knowingly starts a fire on the land of another ~~without his consent~~; or

(d) knowingly injures a domestic animal of another without his consent; or

(e) knowingly deposits on the land or in the building of another, ~~without his consent~~, any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building; or

(f) damages any property, other than as described in subsection (b) of Section 20-1, with intent to defraud an

insurer; or

(g) knowingly shoots a firearm at any portion of a railroad train.

When the charge of criminal damage to property exceeding a specified value is brought, the extent of the damage is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.

It is an affirmative defense to a violation of item (a), (c), or (e) of this Section that the owner of the property or land damaged consented to such damage.

(2) The acts described in items (a), (b), (c), (e), and (f) are Class A misdemeanors if the damage to property does not exceed \$300. The acts described in items (a), (b), (c), (e), and (f) are Class 4 felonies if the damage to property does not exceed \$300 if the damage occurs to property of a school or place of worship or to farm equipment or immovable items of agricultural production, including but not limited to grain elevators, grain bins, and barns. The act described in item (d) is a Class 4 felony if the damage to property does not exceed \$10,000. The act described in item (g) is a Class 4 felony. The acts described in items (a), (b), (c), (e), and (f) are Class 4 felonies if the damage to property exceeds \$300 but does not exceed \$10,000. The acts described in items (a) through (f) are Class 3 felonies if the damage to property exceeds \$300 but does not exceed \$10,000 if the damage occurs to property of a school or place of worship or to farm equipment or immovable

items of agricultural production, including but not limited to grain elevators, grain bins, and barns. The acts described in items (a) through (f) are Class 3 felonies if the damage to property exceeds \$10,000 but does not exceed \$100,000. The acts described in items (a) through (f) are Class 2 felonies if the damage to property exceeds \$10,000 but does not exceed \$100,000 if the damage occurs to property of a school or place of worship or to farm equipment or immovable items of agricultural production, including but not limited to grain elevators, grain bins, and barns. The acts described in items (a) through (f) are Class 2 felonies if the damage to property exceeds \$100,000. The acts described in items (a) through (f) are Class 1 felonies if the damage to property exceeds \$100,000 and the damage occurs to property of a school or place of worship or to farm equipment or immovable items of agricultural production, including but not limited to grain elevators, grain bins, and barns. If the damage to property exceeds \$10,000, the court shall impose upon the offender a fine equal to the value of the damages to the property.

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

(3) In addition to any other sentence that may be imposed, a court shall order any person convicted of criminal damage to property to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction and is funded and approved by the county board

of the county where the offense was committed. In addition, whenever any person is placed on supervision for an alleged offense under this Section, the supervision shall be conditioned upon the performance of the community service.

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

(Source: P.A. 94-509, eff. 8-9-05.)

(720 ILCS 5/21-1.3)

Sec. 21-1.3. Criminal defacement of property.

(a) A person commits criminal defacement of property when the person knowingly damages the property of another ~~without his or her consent~~ by defacing, deforming, or otherwise damaging the property by the use of paint or any other similar substance, or by the use of a writing instrument, etching tool, or any other similar device. It is an affirmative defense to a violation of this Section that the owner of the property damaged consented to such damage.

(b) Criminal defacement of property is a Class A misdemeanor for a first offense if the damage to the property does not exceed \$300. Criminal defacement of property is a Class 4 felony if the damage to property does not exceed \$300 and the property damaged is a school building or place of worship. Criminal defacement of property is a Class 4 felony for a second or subsequent conviction or if the damage to the property exceeds \$300. Criminal defacement of property is a

Class 3 felony if the damage to property exceeds \$300 and the property damaged is a school building or place of worship. In addition to any other sentence that may be imposed for a violation of this Section that is chargeable as a Class 3 or Class 4 felony, a person convicted of criminal defacement of property shall be subject to a mandatory minimum fine of \$500 plus the actual costs incurred by the property owner or the unit of government to abate, remediate, repair, or remove the effect of the damage to the property. To the extent permitted by law, reimbursement for the costs of abatement, remediation, repair, or removal shall be payable to the person who incurred the costs. In addition to any other sentence that may be imposed, a court shall order any person convicted of criminal defacement of property to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction. The community service shall include, but need not be limited to, the cleanup and repair of the damage to property that was caused by the offense, or similar damage to property located in the municipality or county in which the offense occurred. If the property damaged is a school building, the community service may include cleanup, removal, or painting over the defacement. In addition, whenever any person is placed on supervision for an alleged offense under this Section, the supervision shall be conditioned upon the performance of the community service.

(Source: P.A. 90-685, eff. 1-1-99; 91-360, eff. 7-29-99;

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91-931, eff. 6-1-01.)