



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3787

Introduced 2/18/2025, by Rep. Ryan Spain

SYNOPSIS AS INTRODUCED:

720 ILCS 5/47-15

Amends the Criminal Code of 2012. Provides that when a vehicle is used in furtherance of a violation of the provision making it unlawful to dump, deposit, or place garbage, rubbish, trash, or refuse upon real property not owned by that person without the consent of the owner or person in possession of the real property, it is presumed that the last registered owner is responsible for such violation and shall be liable under this provision unless the presumption established is rebutted by showing that, prior to the time of the illegal dumping: (1) a report of vehicle theft was filed with respect to the vehicle; (2) the vehicle was sold or transferred, and the last registered owner provides the court and State's Attorney's office with the address of the new owner at the time of the sale or transfer; or (3) the last registered owner, still possessing the vehicle, shows proof that he or she was not driving, riding in, or otherwise in control of, the vehicle at the time the violation occurred and identifies the party who was driving the vehicle at the time of violation. Provides that if the presumption established is rebutted, the charge or charges against the last registered owner shall be promptly dismissed and the proper party shall be charged with violating this provision if possible.

LRB104 09492 RLC 19553 b

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 2012 is amended by
5 changing Section 47-15 as follows:

6 (720 ILCS 5/47-15)

7 Sec. 47-15. Dumping garbage upon real property.

8 (a) It is unlawful for a person to dump, deposit, or place
9 garbage, rubbish, trash, or refuse upon real property not
10 owned by that person without the consent of the owner or person
11 in possession of the real property.

12 (b) A person who violates this Section is liable to the
13 owner or person in possession of the real property on which the
14 garbage, rubbish, trash, or refuse is dumped, deposited, or
15 placed for the reasonable costs incurred by the owner or
16 person in possession for cleaning up and properly disposing of
17 the garbage, rubbish, trash, or refuse, and for reasonable
18 attorneys' fees.

19 (c) A person violating this Section is guilty of a Class B
20 misdemeanor for which the court must impose a minimum fine of
21 \$500. A second conviction for an offense committed after the
22 first conviction is a Class A misdemeanor for which the court
23 must impose a minimum fine of \$500. A third or subsequent

1 violation, committed after a second conviction, is a Class 4
2 felony for which the court must impose a minimum fine of \$500.
3 A person who violates this Section and who has an equity
4 interest in a motor vehicle used in violation of this Section
5 is presumed to have the financial resources to pay the minimum
6 fine not exceeding his or her equity interest in the vehicle.
7 Personal property used by a person in violation of this
8 Section shall on the third or subsequent conviction of the
9 person be forfeited to the county where the violation occurred
10 and disposed of at a public sale. Before the forfeiture, the
11 court shall conduct a hearing to determine whether property is
12 subject to forfeiture under this Section. At the forfeiture
13 hearing the State has the burden of establishing by a
14 preponderance of the evidence that property is subject to
15 forfeiture under this Section. Property seized or forfeited
16 under this Section is subject to reporting under the Seizure
17 and Forfeiture Reporting Act.

18 (d) The statutory minimum fine required by subsection (c)
19 is not subject to reduction or suspension unless the defendant
20 is indigent. If the defendant files a motion with the court
21 asserting his or her inability to pay the mandatory fine
22 required by this Section, the court must set a hearing on the
23 motion before sentencing. The court must require an affidavit
24 signed by the defendant containing sufficient information to
25 ascertain the assets and liabilities of the defendant. If the
26 court determines that the defendant is indigent, the court

1 must require that the defendant choose either to pay the
2 minimum fine of \$500 or to perform 100 hours of community
3 service.

4 (e) When a vehicle is used in furtherance of a violation of
5 this Section, it is presumed that the last registered owner is
6 responsible for such violation and shall be liable under this
7 Section unless the presumption established under this
8 subsection is rebutted by showing that, prior to the time of
9 the illegal dumping:

10 (1) a report of vehicle theft was filed with respect
11 to the vehicle;

12 (2) the vehicle was sold or transferred, and the last
13 registered owner provides the court and State's Attorney's
14 office with the address of the new owner at the time of the
15 sale or transfer; or

16 (3) the last registered owner, still possessing the
17 vehicle, shows proof that he or she was not driving,
18 riding in, or otherwise in control of, the vehicle at the
19 time the violation occurred and identifies the party who
20 was driving the vehicle at the time of violation.

21 If the presumption established under this subsection is
22 rebutted, the charge or charges against the last registered
23 owner shall be promptly dismissed and the proper party shall
24 be charged with violating this Section if possible.

25 (Source: P.A. 100-512, eff. 7-1-18.)