

# HB1113



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1113

Introduced 2/17/2021, by Rep. Emanuel Chris Welch

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/21-1.2

from Ch. 38, par. 21-1.2

Amends the Criminal Code of 2012. Makes a technical change in a Section concerning the offense of institutional vandalism.

LRB102 03127 RLC 13140 b

A BILL FOR

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 21-1.2 as follows:

6 (720 ILCS 5/21-1.2) (from Ch. 38, par. 21-1.2)

7 Sec. 21-1.2. Institutional vandalism.

8 (a) A person commits institutional vandalism when, by  
9 reason of the ~~the~~ actual or perceived race, color, creed,  
10 religion, ancestry, gender, sexual orientation, physical or  
11 mental disability, or national origin of another individual or  
12 group of individuals, regardless of the existence of any other  
13 motivating factor or factors, he or she knowingly and without  
14 consent inflicts damage to any of the following properties:

15 (1) A church, synagogue, mosque, or other building,  
16 structure or place used for religious worship or other  
17 religious purpose;

18 (2) A cemetery, mortuary, or other facility used for  
19 the purpose of burial or memorializing the dead;

20 (3) A school, educational facility or community  
21 center;

22 (4) The grounds adjacent to, and owned or rented by,  
23 any institution, facility, building, structure or place

1 described in paragraphs (1), (2) or (3) of this subsection  
2 (a); or

3 (5) Any personal property contained in any  
4 institution, facility, building, structure or place  
5 described in paragraphs (1), (2) or (3) of this subsection  
6 (a).

7 (b) Sentence.

8 (1) Institutional vandalism is a Class 3 felony when  
9 the damage to the property does not exceed \$500.  
10 Institutional vandalism is a Class 2 felony when the  
11 damage to the property exceeds \$500. Institutional  
12 vandalism is a Class 2 felony for any second or subsequent  
13 offense.

14 (2) Upon imposition of any sentence, the trial court  
15 shall also either order restitution paid to the victim or  
16 impose a fine up to \$1,000. In addition, any order of  
17 probation or conditional discharge entered following a  
18 conviction or an adjudication of delinquency shall include  
19 a condition that the offender perform public or community  
20 service of no less than 200 hours if that service is  
21 established in the county where the offender was convicted  
22 of institutional vandalism. The court may also impose any  
23 other condition of probation or conditional discharge  
24 under this Section.

25 (c) Independent of any criminal prosecution or the result  
26 of that prosecution, a person suffering damage to property or

1 injury to his or her person as a result of institutional  
2 vandalism may bring a civil action for damages, injunction or  
3 other appropriate relief. The court may award actual damages,  
4 including damages for emotional distress, or punitive damages.  
5 A judgment may include attorney's fees and costs. The parents  
6 or legal guardians of an unemancipated minor, other than  
7 guardians appointed under the Juvenile Court Act or the  
8 Juvenile Court Act of 1987, shall be liable for the amount of  
9 any judgment for actual damages rendered against the minor  
10 under this subsection in an amount not exceeding the amount  
11 provided under Section 5 of the Parental Responsibility Law.

12 (d) As used in this Section, "sexual orientation" has the  
13 meaning ascribed to it in paragraph (O-1) of Section 1-103 of  
14 the Illinois Human Rights Act.

15 (Source: P.A. 99-77, eff. 1-1-16; 99-631, eff. 1-1-17.)