



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**HB4143**

Introduced 10/19/2021, by Rep. Anthony DeLuca - Jaime M. Andrade, Jr. - Robert Rita - Martin J. Moylan

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/21-1

from Ch. 38, par. 21-1

720 ILCS 5/21-1.3

Amends the Criminal Code of 2012. In provisions concerning criminal damage to property and criminal defacement of property, expands existing penalty enhancements to include damage or defacement to historic monuments, displays, statues, properties listed on the National Register of Historic Places, and properties designated as having landmark status by any county, township, or municipality.

LRB102 19608 RLC 28377 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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 Sections 21-1 and 21-1.3 as follows:

6 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

7 Sec. 21-1. Criminal damage to property.

8 (a) A person commits criminal damage to property when he  
9 or she:

10 (1) knowingly damages any property of another;

11 (2) recklessly by means of fire or explosive damages  
12 property of another;

13 (3) knowingly starts a fire on the land of another;

14 (4) knowingly injures a domestic animal of another  
15 without his or her consent;

16 (5) knowingly deposits on the land or in the building  
17 of another any stink bomb or any offensive smelling  
18 compound and thereby intends to interfere with the use by  
19 another of the land or building;

20 (6) knowingly damages any property, other than as  
21 described in paragraph (2) of subsection (a) of Section  
22 20-1, with intent to defraud an insurer;

23 (7) knowingly shoots a firearm at any portion of a

1 railroad train;

2 (8) knowingly, without proper authorization, cuts,  
3 injures, damages, defaces, destroys, or tampers with any  
4 fire hydrant or any public or private fire fighting  
5 equipment, or any apparatus appertaining to fire fighting  
6 equipment; or

7 (9) intentionally, without proper authorization, opens  
8 any fire hydrant.

9 (b) When the charge of criminal damage to property  
10 exceeding a specified value is brought, the extent of the  
11 damage is an element of the offense to be resolved by the trier  
12 of fact as either exceeding or not exceeding the specified  
13 value.

14 (c) It is an affirmative defense to a violation of  
15 paragraph (1), (3), or (5) of subsection (a) of this Section  
16 that the owner of the property or land damaged consented to the  
17 damage.

18 (d) Sentence.

19 (1) A violation of subsection (a) shall have the  
20 following penalties:

21 (A) A violation of paragraph (8) or (9) is a Class  
22 B misdemeanor.

23 (B) A violation of paragraph (1), (2), (3), (5),  
24 or (6) is a Class A misdemeanor when the damage to  
25 property does not exceed \$500.

26 (C) A violation of paragraph (1), (2), (3), (5),

1 or (6) is a Class 4 felony when the damage to property  
2 does not exceed \$500 and the damage occurs to: (i)  
3 property of a school or place of worship; (ii) ~~or to~~  
4 farm equipment or immovable items of agricultural  
5 production, including, but not limited to, grain  
6 elevators, grain bins, and barns; (iii) ~~or~~ property  
7 which memorializes or honors an individual or group of  
8 police officers, fire fighters, members of the United  
9 States Armed Forces, National Guard, or veterans; or  
10 (iv) a historic monument, display, or statue, a  
11 property listed on the National Register of Historic  
12 Places, or a property designated as having landmark  
13 status by any county, township, or municipality.

14 (D) A violation of paragraph (4) is a Class 4  
15 felony when the damage to property does not exceed  
16 \$10,000.

17 (E) A violation of paragraph (7) is a Class 4  
18 felony.

19 (F) A violation of paragraph (1), (2), (3), (5) or  
20 (6) is a Class 4 felony when the damage to property  
21 exceeds \$500 but does not exceed \$10,000.

22 (G) A violation of paragraphs (1) through (6) is a  
23 Class 3 felony when the damage to property exceeds  
24 \$500 but does not exceed \$10,000 and the damage occurs  
25 to: (i) property of a school or place of worship; (ii)  
26 ~~or to~~ farm equipment or immovable items of

1 agricultural production, including, but not limited  
2 to, grain elevators, grain bins, and barns; (iii) ~~or~~  
3 property which memorializes or honors an individual or  
4 group of police officers, fire fighters, members of  
5 the United States Armed Forces, National Guard, or  
6 veterans; or (iv) a historic monument, display, or  
7 statue, a property listed on the National Register of  
8 Historic Places, or a property designated as having  
9 landmark status by any county, township, or  
10 municipality.

11 (H) A violation of paragraphs (1) through (6) is a  
12 Class 3 felony when the damage to property exceeds  
13 \$10,000 but does not exceed \$100,000.

14 (I) A violation of paragraphs (1) through (6) is a  
15 Class 2 felony when the damage to property exceeds  
16 \$10,000 but does not exceed \$100,000 and the damage  
17 occurs to: (i) property of a school or place of  
18 worship; (ii) ~~or to~~ farm equipment or immovable items  
19 of agricultural production, including, but not limited  
20 to, grain elevators, grain bins, and barns; (iii) ~~or~~  
21 property which memorializes or honors an individual or  
22 group of police officers, fire fighters, members of  
23 the United States Armed Forces, National Guard, or  
24 veterans; or (iv) a historic monument, display, or  
25 statue, a property listed on the National Register of  
26 Historic Places, or a property designated as having

1           landmark status by any county, township, or  
2           municipality.

3           (J) A violation of paragraphs (1) through (6) is a  
4           Class 2 felony when the damage to property exceeds  
5           \$100,000. A violation of paragraphs (1) through (6) is  
6           a Class 1 felony when the damage to property exceeds  
7           \$100,000 and the damage occurs to: (i) property of a  
8           school or place of worship; (ii) ~~or to~~ farm equipment  
9           or immovable items of agricultural production,  
10          including, but not limited to, grain elevators, grain  
11          bins, and barns; (iii) ~~or~~ property which memorializes  
12          or honors an individual or group of police officers,  
13          fire fighters, members of the United States Armed  
14          Forces, National Guard, or veterans; or (iv) a  
15          historic monument, display, or statue, a property  
16          listed on the National Register of Historic Places, or  
17          a property designated as having landmark status by any  
18          county, township, or municipality.

19          (2) When the damage to property exceeds \$10,000, the  
20          court shall impose upon the offender a fine equal to the  
21          value of the damages to the property.

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

1 funded and approved by the county board of the county  
2 where the offense was committed. In addition, whenever any  
3 person is placed on supervision for an alleged offense  
4 under this Section, the supervision shall be conditioned  
5 upon the performance of the community service.

6 The community service requirement does not apply when  
7 the court imposes a sentence of incarceration.

8 (4) In addition to any criminal penalties imposed for  
9 a violation of this Section, if a person is convicted of or  
10 placed on supervision for knowingly damaging or destroying  
11 crops of another, including crops intended for personal,  
12 commercial, research, or developmental purposes, the  
13 person is liable in a civil action to the owner of any  
14 crops damaged or destroyed for money damages up to twice  
15 the market value of the crops damaged or destroyed.

16 (5) For the purposes of this subsection (d), "farm  
17 equipment" means machinery or other equipment used in  
18 farming.

19 (Source: P.A. 98-315, eff. 1-1-14; 99-631, eff. 1-1-17.)

20 (720 ILCS 5/21-1.3)

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

22 (a) A person commits criminal defacement of property when  
23 the person knowingly damages the property of another by  
24 defacing, deforming, or otherwise damaging the property by the  
25 use of paint or any other similar substance, or by the use of a

1 writing instrument, etching tool, or any other similar device.  
2 It is an affirmative defense to a violation of this Section  
3 that the owner of the property damaged consented to such  
4 damage.

5 (b) Sentence.

6 (1) Criminal defacement of property is a Class A  
7 misdemeanor for a first offense when the aggregate value of  
8 the damage to the property does not exceed \$500. Criminal  
9 defacement of property is a Class 4 felony when the aggregate  
10 value of the damage to property does not exceed \$500 and the  
11 property damaged is: (i) a school building or place of  
12 worship; (ii) ~~or~~ property which memorializes or honors an  
13 individual or group of police officers, fire fighters, members  
14 of the United States Armed Forces or National Guard, or  
15 veterans; or (iii) a historic monument, display, or statue, a  
16 property listed on the National Register of Historic Places,  
17 or a property designated as having landmark status by any  
18 county, township, or municipality. Criminal defacement of  
19 property is a Class 4 felony for a second or subsequent  
20 conviction or when the aggregate value of the damage to the  
21 property exceeds \$500. Criminal defacement of property is a  
22 Class 3 felony when the aggregate value of the damage to  
23 property exceeds \$500 and the property damaged is: (i) a  
24 school building or place of worship; (ii) ~~or~~ property which  
25 memorializes or honors an individual or group of police  
26 officers, fire fighters, members of the United States Armed



1 Forces or National Guard, or veterans; or (iii) a historic  
2 monument, display, or statue, a property listed on the  
3 National Register of Historic Places, or a property designated  
4 as having landmark status by any county, township, or  
5 municipality.

6 (2) In addition to any other sentence that may be imposed  
7 for a violation of this Section, a person convicted of  
8 criminal defacement of property shall:

9 (A) pay the actual costs incurred by the property  
10 owner or the unit of government to abate, remediate,  
11 repair, or remove the effect of the damage to the  
12 property. To the extent permitted by law, reimbursement  
13 for the costs of abatement, remediation, repair, or  
14 removal shall be payable to the person who incurred the  
15 costs; and

16 (B) if convicted of criminal defacement of property  
17 that is chargeable as a Class 3 or Class 4 felony, pay a  
18 mandatory minimum fine of \$500.

19 (3) In addition to any other sentence that may be imposed,  
20 a court shall order any person convicted of criminal  
21 defacement of property to perform community service for not  
22 less than 30 and not more than 120 hours, if community service  
23 is available in the jurisdiction. The community service shall  
24 include, but need not be limited to, the cleanup and repair of  
25 the damage to property that was caused by the offense, or  
26 similar damage to property located in the municipality or

1 county in which the offense occurred. When the property  
2 damaged is a school building, the community service may  
3 include cleanup, removal, or painting over the defacement. In  
4 addition, whenever any person is placed on supervision for an  
5 alleged offense under this Section, the supervision shall be  
6 conditioned upon the performance of the community service.

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

11 (Source: P.A. 98-315, eff. 1-1-14; 98-466, eff. 8-16-13;  
12 98-756, eff. 7-16-14; 99-631, eff. 1-1-17.)