



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2362

Introduced 2/14/2023, by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

720 ILCS 5/2-5.05 new

720 ILCS 5/21-1

720 ILCS 5/21-8

from Ch. 38, par. 21-1

Amends the Criminal Code of 2012. Provides that a person also commits criminal damage to property when he or she intentionally damages, destroys, or tampers with equipment in a critical infrastructure facility without authorization from the critical infrastructure facility. Provides that a violation is: (1) a Class 4 felony when the damage to property does not exceed \$500; (2) a Class 3 felony when the damage to property exceeds \$500 but does not exceed \$10,000; and (3) a Class 2 felony when the damage to property exceeds \$10,000. Provides that a person may be liable in any civil action for money damages to the owner of the critical infrastructure facility for any damage resulting from a violation. Provides that it is an affirmative defense to a violation that the owner of the property or land damaged consented to the damage. Provides that a person may also be liable to the owner for court costs and reasonable attorney's fees resulting from a violation. Changes the name of the offense of criminal trespass to a nuclear facility to criminal trespass to a critical infrastructure facility. Includes as an element of the offense that the person must have the intent to damage, destroy, or tamper with equipment of the facility. Provides that a person may also be liable in a civil action for money damages to the owner of the critical infrastructure facility for any damage to personal or real property of the facility resulting from the trespass. Provides that a person may also be liable to the owner for court costs and reasonable attorney's fees. Defines "critical infrastructure facility" and "with the intent to damage, destroy, or tamper with equipment of the facility".

LRB103 05048 RLC 50062 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 Sections 21-1 and 21-8 and by adding Section 2-5.05
6 as follows:

7 (720 ILCS 5/2-5.05 new)

8 Sec. 2-5.05. Critical infrastructure facility. "Critical
9 infrastructure facility" means:

10 (1) any one of the following, if completely enclosed
11 by a fence or other physical barrier that is obviously
12 designed to exclude intruders:

13 (A) a petroleum or alumina refinery;

14 (B) an electrical power generating facility,
15 substation, switching station, electrical control
16 center, or electric power lines, and associated
17 equipment infrastructure;

18 (C) a chemical, polymer, or rubber manufacturing
19 facility;

20 (D) a water intake structure, water treatment
21 facility, wastewater treatment plant, or pump station;

22 (E) a natural gas compressor station;

23 (F) a liquid natural gas terminal or storage

1 facility;

2 (G) a telecommunications central switching office;

3 (H) a wireless telecommunications infrastructure,
4 including cell towers, telephone poles and lines,
5 including fiber optic lines;

6 (I) a port, railroad switching yard, railroad
7 tracks, trucking terminal, or other freight
8 transportation facility;

9 (J) a gas processing plant, including a plant used
10 in the processing, treatment or fractionation of
11 natural gas or natural gas liquids;

12 (K) a transmission facility used by a federally
13 licensed radio or television station;

14 (L) a steelmaking facility;

15 (M) a facility identified and regulated by the
16 United States Department of Homeland Security Chemical
17 Facility Anti-Terrorism Standards (CFATS) program;

18 (N) a dam that is regulated by the State or federal
19 government;

20 (O) a natural gas distribution utility facility
21 including, but not limited to, pipeline
22 interconnections, a city gate or town border station,
23 metering station, aboveground piping, regulator
24 station, or natural gas storage facility;

25 (P) a crude oil or refined products storage and
26 distribution facility including, but not limited to,

1 valve sites, pipeline interconnections, pump station,
2 metering station, below or aboveground pipeline or
3 pipng, or truck loading or off-loading facility or an
4 aboveground pipeline that is under construction that
5 is clearly marked that entry is forbidden;

6 (Q) a nuclear facility as defined in Section 3 of
7 the Illinois Nuclear Safety Preparedness Act;

8 (R) a manufacturing facility that is engaged in
9 activities described in Codes 3111 through 339999 of
10 the 2017 North American Industry Classification System
11 (NAICS);

12 (S) a coal mine; or

13 (T) a mining operation, including any processing
14 equipment, batching operation, or support facility for
15 that mining operation; or

16 (2) any aboveground portion of an oil, gas, hazardous
17 liquid or chemical pipeline, tank, railroad facility, or
18 other storage facility that is enclosed by a fence, or
19 other physical barrier.

20 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

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

22 (a) A person commits criminal damage to property when he
23 or she:

24 (1) knowingly damages any property of another;

25 (2) recklessly by means of fire or explosive damages

1 property of another;

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

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

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

9 (6) knowingly damages any property, other than as
10 described in paragraph (2) of subsection (a) of Section
11 20-1, with intent to defraud an insurer;

12 (7) knowingly shoots a firearm at any portion of a
13 railroad train;

14 (8) knowingly, without proper authorization, cuts,
15 injures, damages, defaces, destroys, or tampers with any
16 fire hydrant or any public or private fire fighting
17 equipment, or any apparatus appertaining to fire fighting
18 equipment; ~~or~~

19 (9) intentionally, without proper authorization, opens
20 any fire hydrant; or

21 (10) intentionally damages, destroys, or tampers with
22 equipment in a critical infrastructure facility without
23 authorization from the critical infrastructure facility.

24 (b) When the charge of criminal damage to property
25 exceeding a specified value is brought, the extent of the
26 damage is an element of the offense to be resolved by the trier

1 of fact as either exceeding or not exceeding the specified
2 value.

3 (c) It is an affirmative defense to a violation of
4 paragraph (1), (3), ~~or~~ (5), or (10) of subsection (a) of this
5 Section that the owner of the property or land damaged
6 consented to the damage.

7 (d) Sentence.

8 (1) A violation of subsection (a) shall have the
9 following penalties:

10 (A) A violation of paragraph (8) or (9) is a Class
11 B misdemeanor.

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

15 (C) A violation of paragraph (1), (2), (3), (5),
16 or (6) is a Class 4 felony when the damage to property
17 does not exceed \$500 and the damage occurs to property
18 of a school or place of worship or to farm equipment or
19 immovable items of agricultural production, including
20 but not limited to grain elevators, grain bins, and
21 barns or property which memorializes or honors an
22 individual or group of police officers, fire fighters,
23 members of the United States Armed Forces, National
24 Guard, or veterans.

25 (D) A violation of paragraph (4) is a Class 4
26 felony when the damage to property does not exceed

1 \$10,000.

2 (E) A violation of paragraph (7) is a Class 4
3 felony.

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

7 (G) A violation of paragraphs (1) through (6) is a
8 Class 3 felony when the damage to property exceeds
9 \$500 but does not exceed \$10,000 and the damage occurs
10 to property of a school or place of worship or to farm
11 equipment or immovable items of agricultural
12 production, including but not limited to grain
13 elevators, grain bins, and barns or property which
14 memorializes or honors an individual or group of
15 police officers, fire fighters, members of the United
16 States Armed Forces, National Guard, or veterans.

17 (H) A violation of paragraphs (1) through (6) is a
18 Class 3 felony when the damage to property exceeds
19 \$10,000 but does not exceed \$100,000.

20 (I) A violation of paragraphs (1) through (6) is a
21 Class 2 felony when the damage to property exceeds
22 \$10,000 but does not exceed \$100,000 and the damage
23 occurs to property of a school or place of worship or
24 to farm equipment or immovable items of agricultural
25 production, including but not limited to grain
26 elevators, grain bins, and barns or property which

1 memorializes or honors an individual or group of
2 police officers, fire fighters, members of the United
3 States Armed Forces, National Guard, or veterans.

4 (J) A violation of paragraphs (1) through (6) is a
5 Class 2 felony when the damage to property exceeds
6 \$100,000. A violation of paragraphs (1) through (6) is
7 a Class 1 felony when the damage to property exceeds
8 \$100,000 and the damage occurs to property of a school
9 or place of worship or to farm equipment or immovable
10 items of agricultural production, including but not
11 limited to grain elevators, grain bins, and barns or
12 property which memorializes or honors an individual or
13 group of police officers, fire fighters, members of
14 the United States Armed Forces, National Guard, or
15 veterans.

16 (K) A violation of paragraph (10) is a Class 4
17 felony when the damage to property does not exceed
18 \$500.

19 (L) A violation of paragraph (10) is a Class 3
20 felony when the damage to property exceeds \$500 but
21 does not exceed \$10,000.

22 (M) A violation of paragraph (10) is a Class 2
23 felony when the damage to property exceeds \$10,000.

24 (1.5) A person may be liable in a civil action for
25 money damages to the owner of the critical infrastructure
26 facility for any damage resulting from a violation of

1 paragraph (10). A person may also be liable to the owner
2 for court costs and reasonable attorney's fees resulting
3 from a violation of paragraph (10).

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

7 (3) In addition to any other sentence that may be
8 imposed, a court shall order any person convicted of
9 criminal damage to property to perform community service
10 for not less than 30 and not more than 120 hours, if
11 community service is available in the jurisdiction and is
12 funded and approved by the county board of the county
13 where the offense was committed. In addition, whenever any
14 person is placed on supervision for an alleged offense
15 under this Section, the supervision shall be conditioned
16 upon the performance of the community service.

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

19 (4) In addition to any criminal penalties imposed for
20 a violation of this Section, if a person is convicted of or
21 placed on supervision for knowingly damaging or destroying
22 crops of another, including crops intended for personal,
23 commercial, research, or developmental purposes, the
24 person is liable in a civil action to the owner of any
25 crops damaged or destroyed for money damages up to twice
26 the market value of the crops damaged or destroyed.

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

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

5 (720 ILCS 5/21-8)

6 Sec. 21-8. Criminal trespass to a critical infrastructure
7 ~~nuclear~~ facility.

8 (a) A person commits criminal trespass to a critical
9 infrastructure ~~nuclear~~ facility when he or she intentionally
10 ~~knowingly~~ and without lawful authority, and with intent to
11 damage, destroy, or tamper with equipment of the facility:

12 (1) enters or remains within a critical infrastructure
13 ~~nuclear~~ facility or on the grounds of a critical
14 infrastructure ~~nuclear~~ facility, after receiving notice
15 before entry that entry to the critical infrastructure
16 ~~nuclear~~ facility is forbidden;

17 (2) remains within the critical infrastructure
18 facility or on the grounds of the facility after receiving
19 notice from the owner or manager of the facility or other
20 person authorized by the owner or manager of the facility
21 to give that notice to depart from the facility or grounds
22 of the facility; or

23 (3) enters or remains within a critical infrastructure
24 ~~nuclear~~ facility or on the grounds of a critical
25 infrastructure ~~nuclear~~ facility, by presenting false

1 documents or falsely representing his or her identity
2 orally to the owner or manager of the facility. This
3 paragraph (3) does not apply to a peace officer or other
4 official of a unit of government who enters or remains in
5 the facility in the performance of his or her official
6 duties.

7 (a-5) In this Section, "with intent to damage, destroy, or
8 tamper with equipment of the facility" means actions that
9 create a serious risk for loss of human life, serious risk of
10 harm to public health, or a serious risk of significant damage
11 to the environment.

12 (b) A person has received notice from the owner or manager
13 of the facility or other person authorized by the owner or
14 manager of the facility within the meaning of paragraphs (1)
15 and (2) of subsection (a) if he or she has been notified
16 personally, either orally or in writing, or if a printed or
17 written notice forbidding the entry has been conspicuously
18 posted or exhibited at the main entrance to the facility or
19 grounds of the facility or the forbidden part of the facility.

20 (b-5) This Section does not apply to:

21 (1) any person or organization:

22 (i) monitoring or attentive to compliance with
23 public or worker safety laws, wage and hour
24 requirements, or other statutory requirements;

25 (ii) picketing occurring at the workplace that is
26 otherwise lawful and arises out of a bona fide labor

1 dispute including any controversy concerning wages,
2 salaries, hours, working conditions or benefits,
3 including health and welfare, sick leave, insurance,
4 and pension or retirement provisions, the managing or
5 maintenance of collective bargaining agreements, and
6 the terms to be included in those agreements; or

7 (iii) engaged in union organizing or recruitment
8 activities including attempting to reach workers
9 verbally, in writing with pamphlets and in the
10 investigation of non-union working conditions, or
11 both; or

12 (2) an exercise of the right of free speech or
13 assembly that is otherwise lawful. Nothing in this
14 amendatory Act of the 103rd General Assembly shall be
15 deemed to limit or impede the right to free speech or
16 assembly, including, but not limited to, protesting and
17 picketing.

18 (c) (Blank). ~~In this Section, "nuclear facility" has the~~
19 ~~meaning ascribed to it in Section 3 of the Illinois Nuclear~~
20 ~~Safety Preparedness Act.~~

21 (d) Sentence. Criminal trespass to a critical
22 infrastructure ~~nuclear~~ facility is a Class 4 felony punishable
23 by a fine of not less than \$1,000, imprisonment, or both.

24 (e) A person may also be liable in a civil action for money
25 damages to the owner of the critical infrastructure facility
26 for any damage to personal or real property of the facility

1 resulting from the trespass. A person may also be liable to the
2 owner for court costs and reasonable attorney's fees.

3 (Source: P.A. 97-1108, eff. 1-1-13.)