



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB4746

Introduced 2/6/2024, by Rep. Patrick Windhorst

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/Art. 21.4 heading new  
720 ILCS 5/21.4-1 new  
720 ILCS 5/21.4-2 new  
720 ILCS 5/21.4-3 new  
720 ILCS 5/21.4-5 new  
720 ILCS 5/21.4-6 new  
720 ILCS 5/21.4-7 new

Amends the Criminal Code of 2012. Creates the Critical Infrastructure Protection Law Article within the Code. Defines "critical infrastructure facility". Provides for criminal penalties, based upon the value of the property, for knowingly damaging, destroying, vandalizing, defacing, tampering with, or stealing equipment or assets of or in a critical infrastructure facility. Provides that any person who violates the Article is liable to the owner of the property for compensatory damages and, in addition, for punitive damages in an amount not less than 3 times the amount of the compensatory damages. Provides that any person or entity that compensates, provides consideration to, or remunerates a person for property stolen in violation of the Article is liable to the owner of the property for compensatory damages and, in addition, for punitive damages in an amount not less than 3 times the amount of the compensatory damages. Provides that it is an affirmative defense to this provision that the defendant was a bona fide purchaser for value who did not know, or have reason to know, that the property was stolen. Provides that, with exceptions, all items of personal property that are used, have been used, or are intended for use, in perpetration of theft or damage to a critical infrastructure facility are subject to forfeiture.

LRB103 38244 RLC 68379 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 adding  
5 Article 21.4 as follows:

6 (720 ILCS 5/Art. 21.4 heading new)

7 ARTICLE 21.4. CRITICAL INFRASTRUCTURE PROTECTION LAW

8 (720 ILCS 5/21.4-1 new)

9 Sec. 21.4-1. Short title. This Article may be cited as  
10 Critical Infrastructure Protection Law.

11 (720 ILCS 5/21.4-2 new)

12 Sec. 21.4-2. Definitions. In this Article:

13 "Critical infrastructure facility" means one of the  
14 following:

15 (1) a petroleum or alumina refinery;

16 (2) an electrical power generating facility,  
17 substation, switching station, electrical control center,  
18 or electric power lines and associated equipment  
19 infrastructure;

20 (3) a chemical, polymer or rubber manufacturing  
21 facility;

1           (4) a water intake structure, water treatment  
2 facility, wastewater treatment plant, or pump station;

3           (5) a natural gas compressor station;

4           (6) a liquid natural gas terminal or storage facility;

5           (7) wireline and wireless communications  
6 infrastructure;

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

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

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

14           (11) a steelmaking facility that uses an electric arc  
15 furnace to make steel;

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

19           (13) a dam that is regulated by the State or federal  
20 government;

21           (14) a natural gas distribution utility facility,  
22 including, but not limited to, pipeline interconnections,  
23 a city gate or town border station, metering station,  
24 below-or above-ground pipeline or piping and truck loading  
25 or offloading facility, a natural gas storage facility, a  
26 natural gas transmission facility, or a natural gas

1 utility distribution facility;

2 (15) a crude oil or refined products storage and  
3 distribution facility, including, but not limited to, a  
4 valve site, pipeline interconnection, pump station,  
5 metering station, below-or above-ground pipeline or  
6 pipinq, and truck loading or offloading facility;

7 (16) a military facility, including a national guard  
8 facility and equipment storage area where non-military  
9 personnel are prohibited;

10 (17) a Department of Transportation facility and a  
11 location near or on a roads or highway where the public is  
12 prohibited;

13 (18) a health care facility;

14 (19) any above-ground portion of an oil, gas,  
15 hazardous liquid or chemical pipeline, tank, or other  
16 storage facility that is enclosed by a fence, other  
17 physical barrier, or is clearly marked with signs  
18 prohibiting trespassing, that are obviously designed to  
19 exclude intruders; or

20 (20) a commercial service airport as defined by the  
21 Federal Aviation Administration.

22 (720 ILCS 5/21.4-3 new)

23 Sec. 21.4-3. Criminal offenses; conspiracy; receipt of  
24 stolen property; felonies; misdemeanors; fines; imprisonment.

25 (a) Any person who knowingly damages, destroys,

1 vandalizes, defaces, tampers with, or steals equipment or  
2 assets of or in a critical infrastructure facility (including  
3 copper or other valuable metal) is guilty of a Class 4 felony  
4 if the value of the property is under \$500, a Class 3 felony if  
5 the value of the property is between \$500 and \$10,000, and a  
6 Class 2 felony if the value of the property exceeds \$10,000  
7 and, upon conviction for the offense, shall be fined not less  
8 than \$5,000 nor more than \$20,000.

9 (b) Any person who conspires with any person to violate  
10 this Article is guilty of a Class 3 felony and, upon conviction  
11 for the offense, shall be fined not less than \$5,000 nor more  
12 than \$10,000.

13 (c) Any person who receives stolen property, including  
14 copper or other valuable metal, who knows or has reason to know  
15 that it has been stolen from a critical infrastructure  
16 facility, is guilty of a Class 4 felony if the value of the  
17 property is under \$500, a Class 3 felony if the value of the  
18 property is between \$500 and \$10,000, and a Class 2 felony for  
19 any amount over \$10,000 and, upon conviction for the offense,  
20 shall be fined not less than \$5,000 nor more than \$10,000.

21 (720 ILCS 5/21.4-5 new)

22 Sec. 21.4-5. Civil liability.

23 (a) Any person who violates this Article is liable to the  
24 owner of the property for compensatory damages and, in  
25 addition, for punitive damages in an amount not less than 3

1 times the amount of the compensatory damages.

2 (b) Any person or entity that compensates, provides  
3 consideration to, or remunerates a person for property stolen  
4 in violation of this Article is liable to the owner of the  
5 property for compensatory damages and, in addition, for  
6 punitive damages in an amount not less than 3 times the amount  
7 of the compensatory damages. It is an affirmative defense to  
8 this subsection (b) that the defendant was a bona fide  
9 purchaser for value who did not know, or have reason to know,  
10 that the property was stolen.

11 (720 ILCS 5/21.4-6 new)

12 Sec. 21.4-6. Forfeiture.

13 (a) All items of personal property that are used, have  
14 been used, or are intended for use, in perpetration of theft or  
15 damage to a critical infrastructure facility are subject to  
16 forfeiture. This forfeiture includes all conveyances,  
17 including aircraft, vehicles, or vessels, except that:

18 (1) a conveyance used by any person as a common  
19 carrier in the transaction of business as a common carrier  
20 may not be forfeited under this Section unless it appears  
21 that the person owning the conveyance is a consenting  
22 party or privy to a violation of this Article;

23 (2) a conveyance may not be forfeited under the  
24 provisions of this Article if the person owning the  
25 conveyance establishes that he or she neither knew nor had

1 reason to know that the conveyance was being employed or  
2 was likely to be employed in a violation of this Article;  
3 or

4 (3) a bona fide security interest or other valid lien  
5 in any conveyance may not be forfeited under the  
6 provisions of this Article, unless the State proves by a  
7 preponderance of the evidence that the holder of the  
8 security interest or lien either knew or had reason to  
9 know that the conveyance was being used or was likely to be  
10 used in a violation of this Article.

11 (b) All procedures relating to the seizure and disposition  
12 of property subject to forfeiture under this Article shall be  
13 governed by the same provisions applicable to the seizure and  
14 disposition of property under the Drug Asset Forfeiture  
15 Procedure Act.

16 (720 ILCS 5/21.4-7 new)

17 Sec. 21.4-7. Exceptions. The provisions of this Article do  
18 not apply to:

19 (1) any person or organization monitoring or attentive to  
20 compliance with public or worker safety laws, or, wage and  
21 hour requirements;

22 (2) the right to free speech or assembly, including, but  
23 not limited to, protesting and picketing;

24 (3) the owner of a critical infrastructure facility and  
25 its affiliates, directors, officers, employees, contractors,

1 subcontractors, or other persons affiliated those persons,  
2 acting within the scope of the person's employment or agency.