

# SB0081



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0081

Introduced 1/20/2023, by Sen. Jil Tracy

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/47-5

Amends the Criminal Code of 2012. Provides that it is a public nuisance for a hotel, other business, or person to provide sleeping accommodations for hire or rent for transient occupancy by guests to rent or hire, or for any lessor of real property, whether by tenancy or contract for deed, to rent a dwelling unit that has a sleeping accommodation in which an infestation of any bed bugs is found or suspected or for any person to place, discard, or dispose of any bedding, clothing, or other materials infested with bed bugs on the public way or in a refuse container or dumpster located on the public way, except when such bedding, clothing, or other material is placed in or near the person's refuse container or dumpster for pick-up as trash and the bedding, clothing, or other material is totally enclosed in a plastic bag and labeled as being infested with bed bugs, or for any person to recycle any furnishing, bedding, clothing, or other material infested with bed bugs.

LRB103 05313 RLC 50872 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 47-5 as follows:

6 (720 ILCS 5/47-5)

7 Sec. 47-5. Public nuisance. It is a public nuisance:

8 (1) To cause or allow the carcass of an animal or offal,  
9 filth, or a noisome substance to be collected, deposited, or  
10 to remain in any place to the prejudice of others.

11 (2) To throw or deposit offal or other offensive matter or  
12 the carcass of a dead animal in a water course, lake, pond,  
13 spring, well, or common sewer, street, or public highway.

14 (3) To corrupt or render unwholesome or impure the water  
15 of a spring, river, stream, pond, or lake to the injury or  
16 prejudice of others.

17 (4) To obstruct or impede, without legal authority, the  
18 passage of a navigable river or waters.

19 (5) To obstruct or encroach upon public highways, private  
20 ways, streets, alleys, commons, landing places, and ways to  
21 burying places.

22 (6) To carry on the business of manufacturing gunpowder,  
23 nitroglycerine, or other highly explosive substances, or

1 mixing or grinding the materials for those substances, in a  
2 building within 20 rods of a valuable building erected at the  
3 time the business is commenced.

4 (7) To establish powder magazines near incorporated towns,  
5 at a point different from that appointed according to law by  
6 the corporate authorities of the town, or within 50 rods of an  
7 occupied dwelling house.

8 (8) To erect, continue, or use a building or other place  
9 for the exercise of a trade, employment, or manufacture that,  
10 by occasioning noxious exhalations, offensive smells, or  
11 otherwise, is offensive or dangerous to the health of  
12 individuals or of the public.

13 (9) To advertise wares or occupation by painting notices  
14 of the wares or occupation on or affixing them to fences or  
15 other private property, or on rocks or other natural objects,  
16 without the consent of the owner, or if in the highway or other  
17 public place, without permission of the proper authorities.

18 (10) To permit a well drilled for oil, gas, salt water  
19 disposal, or any other purpose in connection with the  
20 production of oil and gas to remain unplugged after the well is  
21 no longer used for the purpose for which it was drilled.

22 (11) To construct or operate a salt water pit or oil field  
23 refuse pit, commonly called a "burn out pit", so that salt  
24 water, brine, or oil field refuse or other waste liquids may  
25 escape from the pit in a manner except by the evaporation of  
26 the salt water or brine or by the burning of the oil field

1 waste or refuse.

2 (12) To permit concrete bases, discarded machinery, and  
3 materials to remain around an oil or gas well, or to fail to  
4 fill holes, cellars, slush pits, and other excavations made in  
5 connection with the well or to restore the surface of the lands  
6 surrounding the well to its condition before the drilling of  
7 the well, upon abandonment of the oil or gas well.

8 (13) To permit salt water, oil, gas, or other wastes from a  
9 well drilled for oil, gas, or exploratory purposes to escape  
10 to the surface, or into a mine or coal seam, or into an  
11 underground fresh water supply, or from one underground  
12 stratum to another.

13 (14) To harass, intimidate, or threaten a person who is  
14 about to sell or lease or has sold or leased a residence or  
15 other real property or is about to buy or lease or has bought  
16 or leased a residence or other real property, when the  
17 harassment, intimidation, or threat relates to a person's  
18 attempt to sell, buy, or lease a residence, or other real  
19 property, or refers to a person's sale, purchase, or lease of a  
20 residence or other real property.

21 (15) To store, dump, or permit the accumulation of debris,  
22 refuse, garbage, trash, tires, buckets, cans, wheelbarrows,  
23 garbage cans, or other containers in a manner that may harbor  
24 mosquitoes, flies, insects, rodents, nuisance birds, or other  
25 animal pests that are offensive, injurious, or dangerous to  
26 the health of individuals or the public.

1 (16) To create a condition, through the improper  
2 maintenance of a swimming pool or wading pool, or by causing an  
3 action that alters the condition of a natural body of water, so  
4 that it harbors mosquitoes, flies, or other animal pests that  
5 are offensive, injurious, or dangerous to the health of  
6 individuals or the public.

7 (17) To operate a tanning facility without a valid permit  
8 under the Tanning Facility Permit Act.

9 (18) For a hotel, other business, or person to provide  
10 sleeping accommodations for hire or rent for transient  
11 occupancy by guests to rent or hire, or for any lessor of real  
12 property, whether by tenancy or contract for deed, to rent a  
13 dwelling unit that has a sleeping accommodation in which an  
14 infestation of any bed bugs is found or suspected or for any  
15 person to place, discard, or dispose of any bedding, clothing,  
16 or other materials infested with bed bugs on the public way or  
17 in a refuse container or dumpster located on the public way,  
18 except when such bedding, clothing, or other material is  
19 placed in or near the person's refuse container or dumpster  
20 for pick-up as trash and the bedding, clothing, or other  
21 material is totally enclosed in a plastic bag and labeled as  
22 being infested with bed bugs, or for any person to recycle any  
23 furnishing, bedding, clothing, or other material infested with  
24 bed bugs. In this paragraph (18):

25 "Bed bug" means a wingless bloodsucking hemipterous  
26 bug (Cimex lectularius) that infests houses, beds, and

1 clothing and feeds on human blood.

2 "Bedding" means any mattress, box spring, foundation,  
3 or studio couch made in whole or part from new or  
4 secondhand fabric, filling material, or other textile  
5 product or material and that can be used for sleeping or  
6 reclining purposes.

7 "Dwelling unit" means a room or suite of rooms used  
8 for human habitation and for which a lessor and a lessee  
9 have a written or oral lease agreement

10 "Hotel" means any building or buildings in which the  
11 public may, for a consideration, obtain living quarters,  
12 sleeping, or housekeeping accommodations. "Hotel"  
13 includes, but is not limited to, inns, motels, tourist  
14 homes or courts, bed and breakfasts, lodging houses,  
15 rooming houses and apartment houses, retreat centers,  
16 conference centers, and hunting lodges.

17 "Other business" means any business engaging in  
18 commerce or medical treatment.

19 Nothing in this Section shall be construed to prevent the  
20 corporate authorities of a city, village, or incorporated  
21 town, or the county board of a county, from declaring what are  
22 nuisances and abating them within their limits. Counties have  
23 that authority only outside the corporate limits of a city,  
24 village, or incorporated town.

25 (Source: P.A. 89-234, eff. 1-1-96.)