

1 AN ACT in relation to 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 1961 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 actual or perceived race, color, creed,  
10 religion or national origin of another individual or group of  
11 individuals, regardless of the existence of any other  
12 motivating factor or factors, he or she knowingly and without  
13 consent inflicts damage to any of the following properties:

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

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

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

21 (4) The grounds adjacent to, and owned or rented  
22 by, any institution, facility, building, structure or  
23 place described in paragraphs (1), (2) or (3) of this  
24 subsection (a); or

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

29 (b) Institutional vandalism is a Class 3 felony if the  
30 damage to the property does not exceed \$300. Institutional  
31 vandalism is a Class 2 felony if the damage to the property

1 exceeds \$300. Institutional vandalism is a Class 2 felony for  
2 any second or subsequent offense.

3 (b-5) Upon imposition of any sentence, the trial court  
4 shall also either order restitution paid to the victim or  
5 impose a fine up to \$1,000. In addition, any order of  
6 probation or conditional discharge entered following a  
7 conviction or an adjudication of delinquency shall include a  
8 condition that the offender perform public or community  
9 service of no less than 200 hours if that service is  
10 established in the county where the offender was convicted of  
11 institutional vandalism. The court may also impose any other  
12 condition of probation or conditional discharge under this  
13 Section.

14 (c) Independent of a any criminal prosecution or the  
15 result of that prosecution, a person suffering damage to  
16 property or injury to his or her person as a result of  
17 institutional vandalism may bring a civil action for damages,  
18 injunction or other appropriate relief. The court may award  
19 actual damages, including damages for emotional distress, or  
20 punitive damages. A judgment may include attorney's fees and  
21 costs. The parents or legal guardians of an unemancipated  
22 minor, other than guardians appointed under the Juvenile  
23 Court Act or the Juvenile Court Act of 1987, shall be liable  
24 for the amount of any judgment for actual damages rendered  
25 against the minor under this subsection in an amount not  
26 exceeding the amount provided under Section 5 of the Parental  
27 Responsibility Law.

28 (Source: P.A. 92-830, eff. 1-1-03.)