



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2441

Introduced 2/17/2005, by Rep. Careen M Gordon

SYNOPSIS AS INTRODUCED:

| | |
|-----------------|------------------------|
| 720 ILCS 5/21-3 | from Ch. 38, par. 21-3 |
| 720 ILCS 5/21-5 | from Ch. 38, par. 21-5 |
| 720 ILCS 5/21-7 | from Ch. 38, par. 21-7 |
| 720 ILCS 5/21-8 | |
| 720 ILCS 5/21-9 | |

Amends the Criminal Code of 1961 relating to criminal trespass to real property, criminal trespass to State supported land, criminal trespass to restricted areas and restricted landing areas at airports, criminal trespass to a nuclear facility, and criminal trespass to a place of public amusement. Provides that a person who presents false documents or falsely represents his or her identity orally to a person who has authority to give permission to enter various lands, buildings, or facilities commits criminal trespass. Exempts peace officers and other government officials who enter or remain on the land, building, or facility in the performance of their official duties.

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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 1961 is amended by changing
5 Sections 21-3, 21-5, 21-7, 21-8, and 21-9 as follows:

6 (720 ILCS 5/21-3) (from Ch. 38, par. 21-3)

7 Sec. 21-3. Criminal trespass to real property.

8 (a) Whoever:

9 (1) knowingly and without lawful authority enters or
10 remains within or on a building; or

11 (2) enters upon the land of another, after receiving,
12 prior to such entry, notice from the owner or occupant that
13 such entry is forbidden; or

14 (3) remains upon the land of another, after receiving
15 notice from the owner or occupant to depart; or

16 (3.5) presents false documents or falsely represents
17 his or her identity orally to the owner or occupant of a
18 building or land in order to obtain permission from the
19 owner or occupant to enter or remain in the building or on
20 the land; or

21 (4) enters upon one of the following areas in or on a
22 motor vehicle (including an off-road vehicle, motorcycle,
23 moped, or any other powered two-wheel vehicle), after
24 receiving prior to that entry, notice from the owner or
25 occupant that the entry is forbidden or remains upon or in
26 the area after receiving notice from the owner or occupant
27 to depart:

28 (A) any field that is used for growing crops or
29 which is capable of being used for growing crops; or

30 (B) an enclosed area containing livestock; or

31 (C) or an orchard; or

32 (D) a barn or other agricultural building

1 containing livestock;
2 commits a Class B misdemeanor.

3 For purposes of item (1) of this subsection, this Section
4 shall not apply to being in a building which is open to the
5 public while the building is open to the public during its
6 normal hours of operation; nor shall this Section apply to a
7 person who enters a public building under the reasonable belief
8 that the building is still open to the public.

9 (b) A person has received notice from the owner or occupant
10 within the meaning of Subsection (a) if he has been notified
11 personally, either orally or in writing including a valid court
12 order as defined by subsection (7) of Section 112A-3 of the
13 Code of Criminal Procedure of 1963 granting remedy (2) of
14 subsection (b) of Section 112A-14 of that Code, or if a printed
15 or written notice forbidding such entry has been conspicuously
16 posted or exhibited at the main entrance to such land or the
17 forbidden part thereof.

18 (c) This Section does not apply to any person, whether a
19 migrant worker or otherwise, living on the land with permission
20 of the owner or of his agent having apparent authority to hire
21 workers on such land and assign them living quarters or a place
22 of accommodations for living thereon, nor to anyone living on
23 such land at the request of, or by occupancy, leasing or other
24 agreement or arrangement with the owner or his agent, nor to
25 anyone invited by such migrant worker or other person so living
26 on such land to visit him at the place he is so living upon the
27 land.

28 (d) A person shall be exempt from prosecution under this
29 Section if he beautifies unoccupied and abandoned residential
30 and industrial properties located within any municipality. For
31 the purpose of this subsection, "unoccupied and abandoned
32 residential and industrial property" means any real estate (1)
33 in which the taxes have not been paid for a period of at least 2
34 years; and (2) which has been left unoccupied and abandoned for
35 a period of at least one year; and "beautifies" means to
36 landscape, clean up litter, or to repair dilapidated conditions

1 on or to board up windows and doors.

2 (e) No person shall be liable in any civil action for money
3 damages to the owner of unoccupied and abandoned residential
4 and industrial property which that person beautifies pursuant
5 to subsection (d) of this Section.

6 (f) This Section does not prohibit a person from entering a
7 building or upon the land of another for emergency purposes.
8 For purposes of this subsection (f), "emergency" means a
9 condition or circumstance in which an individual is or is
10 reasonably believed by the person to be in imminent danger of
11 serious bodily harm or in which property is or is reasonably
12 believed to be in imminent danger of damage or destruction.

13 (g) Paragraph (3.5) of subsection (a) does not apply to a
14 peace officer or other official of a unit of government who
15 enters a building or land in the performance of his or her
16 official duties.

17 (Source: P.A. 89-346, eff. 1-1-96; 89-373, eff. 1-1-96; 89-626,
18 eff. 8-9-96; 90-419, eff. 8-15-97.)

19 (720 ILCS 5/21-5) (from Ch. 38, par. 21-5)

20 Sec. 21-5. Criminal Trespass to State Supported Land.

21 (a) Whoever enters upon land supported in whole or in part
22 with State funds, or Federal funds administered or granted
23 through State agencies or any building on such land, after
24 receiving, prior to such entry, notice from the State or its
25 representative that such entry is forbidden, or remains upon
26 such land or in such building after receiving notice from the
27 State or its representative to depart, and who thereby
28 interferes with another person's lawful use or enjoyment of
29 such building or land, commits a Class A misdemeanor.

30 (b) A person has received notice from the State within the
31 meaning of subsection (a) ~~sub-section (1)~~ if he has been
32 notified personally, either orally or in writing, or if a
33 printed or written notice forbidding such entry to him or a
34 group of which he is a part, has been conspicuously posted or
35 exhibited at the main entrance to such land or the forbidden

1 part thereof.

2 (c) Whoever enters upon land supported in whole or in part
3 with State funds, or federal funds administered or granted
4 through State agencies or any building on such land by
5 presenting false documents or falsely representing his or her
6 identity orally to the State or its representative in order to
7 obtain permission from the State or its representative to enter
8 the building or land; or remains upon such land or in such
9 building by presenting false documents or falsely representing
10 his or her identity orally to the State or its representative
11 in order to remain upon such land or in such building, and who
12 thereby interferes with another person's lawful use or
13 enjoyment of such building or land, commits a Class A
14 misdemeanor.

15 Subsection (c) does not apply to a peace officer or other
16 official of a unit of government who enters upon land supported
17 in whole or in part with State funds, or federal funds
18 administered or granted through State agencies or any building
19 on such land in the performance of his or her official duties.

20 (Source: P.A. 84-1041.)

21 (720 ILCS 5/21-7) (from Ch. 38, par. 21-7)

22 Sec. 21-7. Criminal trespass to Restricted areas and
23 restricted Landing areas at airports.➤

24 (a) Whoever enters upon, or remains in, any restricted area
25 or restricted landing area used in connection with an airport
26 facility, or part thereof, in this State, after such person has
27 received notice from the airport authority that such entry is
28 forbidden commits a Class A misdemeanor. Notice that the area
29 is "restricted" and entry thereto "forbidden", for purposes of
30 this Section, means that the person or persons have been
31 notified personally, either orally or in writing, or by a
32 printed or written notice forbidding such entry to him or a
33 group or an organization of which he is a member, which has
34 been conspicuously posted or exhibited at every usable entrance
35 to such area or the forbidden part thereof.

1 (b) Whoever enters upon, or remains in, any restricted area
2 or restricted landing area used in connection with an airport
3 facility, or part thereof, in this State by presenting false
4 documents or falsely representing his or her identity orally to
5 the airport authority commits a Class A misdemeanor.

6 (c) The terms "Restricted area" or "Restricted landing
7 area" in this Section are defined to incorporate the meaning
8 ascribed to those terms in Section 8 of the "Illinois
9 Aeronautics Act", approved July 24, 1945, as amended, and also
10 include any other area of the airport that has been designated
11 such by the airport authority.

12 (d) Subsection (b) does not apply to a peace officer or
13 other official of a unit of government who enters a restricted
14 area or a restricted landing area used in connection with an
15 airport facility, or part thereof, in the performance of his or
16 her official duties.

17 (Source: P.A. 81-564.)

18 (720 ILCS 5/21-8)

19 Sec. 21-8. Criminal trespass to a nuclear facility.

20 (a) A person commits the offense of criminal trespass to a
21 nuclear facility if he or she knowingly and without lawful
22 authority:

23 (1) enters or remains within a nuclear facility or on
24 the grounds of a nuclear facility, after receiving notice
25 before entry that entry to the nuclear facility is
26 forbidden; or

27 (2) remains within the facility or on the grounds of
28 the facility after receiving notice from the owner or
29 manager of the facility or other person authorized by the
30 owner or manager of the facility to give that notice to
31 depart from the facility or grounds of the facility; or .

32 (3) enters or remains within a nuclear facility or on
33 the grounds of a nuclear facility, by presenting false
34 documents or falsely representing his or her identity
35 orally to the owner or manager of the facility. This

1 paragraph (3) does not apply to a peace officer or other
2 official of a unit of government who enters or remains in
3 the facility in the performance of his or her official
4 duties.

5 (b) A person has received notice from the owner or manager
6 of the facility or other person authorized by the owner or
7 manager of the facility within the meaning of paragraphs (1)
8 and (2) of subsection (a) if he or she has been notified
9 personally, either orally or in writing, or if a printed or
10 written notice forbidding the entry has been conspicuously
11 posted or exhibited at the main entrance to the facility or
12 grounds of the facility or the forbidden part of the facility.

13 (c) In this Section, "nuclear facility" has the meaning
14 ascribed to it in Section 3 of the Illinois Nuclear Safety
15 Preparedness Act.

16 (d) Sentence. Criminal trespass to a nuclear facility is a
17 Class 4 felony.

18 (Source: P.A. 92-575, eff. 1-1-03.)

19 (720 ILCS 5/21-9)

20 Sec. 21-9. Criminal trespass to a place of public
21 amusement.

22 (a) A person commits the offense of criminal trespass to a
23 place of public amusement if he or she knowingly and without
24 lawful authority enters or remains on any portion of a place of
25 public amusement after having received notice that the general
26 public is restricted from access to that portion of the place
27 of public amusement. Such areas may include, but are not
28 limited to: a playing field, an athletic surface, a stage, a
29 locker room, or a dressing room located at the place of public
30 amusement.

31 (a-5) A person commits the offense of criminal trespass to
32 a place of public amusement if he or she knowingly and without
33 lawful authority gains access to or remains on any portion of a
34 place of public amusement by presenting false documents or
35 falsely representing his or her identity orally to the property

1 owner, a lessee, an agent of either the owner or lessee, or a
2 performer or participant. This subsection (a-5) does not apply
3 to a peace officer or other official of a unit of government
4 who enters or remains in the place of public amusement in the
5 performance of his or her official duties.

6 (b) A property owner, a lessee, an agent of either the
7 owner or lessee, or a performer or participant may use
8 reasonable force to restrain a trespasser and remove him or her
9 from the restricted area; however, any use of force beyond
10 reasonable force may subject that person to any applicable
11 criminal penalty.

12 (c) A person has received notice within the meaning of
13 subsection (a) if he or she has been notified personally,
14 either orally or in writing, or if a printed or written notice
15 forbidding such entry has been conspicuously posted or
16 exhibited at the entrance to the portion of the place of public
17 amusement that is restricted or an oral warning has been
18 broadcast over the public address system of the place of public
19 amusement.

20 (d) In this Section, "place of public amusement" means a
21 stadium, a theater, or any other facility of any kind, whether
22 licensed or not, where a live performance, a sporting event, or
23 any other activity takes place for other entertainment and
24 where access to the facility is made available to the public,
25 regardless of whether admission is charged.

26 (e) Sentence. Criminal trespass to a place of public
27 amusement is a Class 4 felony. Upon imposition of any sentence,
28 the court shall also impose a fine of not less than \$1,000. In
29 addition, any order of probation or conditional discharge
30 entered following a conviction shall include a condition that
31 the offender perform public or community service of not less
32 than 30 and not more than 120 hours, if community service is
33 available in the jurisdiction and is funded and approved by the
34 county board of the county where the offender was convicted.
35 The court may also impose any other condition of probation or
36 conditional discharge under this Section.

1 (Source: P.A. 93-407, eff. 1-1-04.)