

HB3087



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3087

by Rep. Deborah Mell

SYNOPSIS AS INTRODUCED:

720 ILCS 5/21-1.3

Amends the Criminal Code of 2012. Provides that in addition to any other sentence that may be imposed for criminal defacement of property, a person convicted of criminal defacement of property (rather than criminal defacement of property that is chargeable as a Class 3 or 4 felony) shall be subject to a mandatory minimum fine of \$500 plus the actual costs incurred by the property owner or the unit of government to abate, remediate, repair, or remove the effect of the damage to the property. Provides that to the extent permitted by law, reimbursement for the costs of abatement, remediation, repair, or removal shall be payable to the person who incurred the costs. Provides that if the offense is gang-related, the fine shall be at least \$1,000.

LRB098 10906 RLC 41437 b

FISCAL NOTE ACT
MAY APPLY

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 changing
5 Section 21-1.3 as follows:

6 (720 ILCS 5/21-1.3)

7 Sec. 21-1.3. Criminal defacement of property.

8 (a) A person commits criminal defacement of property when
9 the person knowingly damages the property of another by
10 defacing, deforming, or otherwise damaging the property by the
11 use of paint or any other similar substance, or by the use of a
12 writing instrument, etching tool, or any other similar device.
13 It is an affirmative defense to a violation of this Section
14 that the owner of the property damaged consented to such
15 damage.

16 (b) Sentence.

17 (1) Criminal defacement of property is a Class A
18 misdemeanor for a first offense when the aggregate value of the
19 damage to the property does not exceed \$300. Criminal
20 defacement of property is a Class 4 felony when the aggregate
21 value of the damage to property does not exceed \$300 and the
22 property damaged is a school building or place of worship.
23 Criminal defacement of property is a Class 4 felony for a

1 second or subsequent conviction or when the aggregate value of
2 the damage to the property exceeds \$300. Criminal defacement of
3 property is a Class 3 felony when the aggregate value of the
4 damage to property exceeds \$300 and the property damaged is a
5 school building or place of worship.

6 (2) In addition to any other sentence that may be imposed
7 for a violation of this Section ~~that is chargeable as a Class 3~~
8 ~~or Class 4 felony~~, a person convicted of criminal defacement of
9 property shall be subject to a mandatory minimum fine of \$500
10 plus the actual costs incurred by the property owner or the
11 unit of government to abate, remediate, repair, or remove the
12 effect of the damage to the property. To the extent permitted
13 by law, reimbursement for the costs of abatement, remediation,
14 repair, or removal shall be payable to the person who incurred
15 the costs. If the offense is gang-related as defined in Section
16 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act,
17 a person convicted of criminal defacement of property is
18 subject to a mandatory minimum fine of \$1,000 plus the actual
19 costs incurred by the property owner or the unit of government
20 to abate, remediate, repair, or remove the effect of the damage
21 to the property. To the extent permitted by law, reimbursement
22 for the costs of abatement, remediation, repair, or removal
23 shall be payable to the person who incurred the costs.

24 (3) In addition to any other sentence that may be imposed,
25 a court shall order any person convicted of criminal defacement
26 of property to perform community service for not less than 30

1 and not more than 120 hours, if community service is available
2 in the jurisdiction. The community service shall include, but
3 need not be limited to, the cleanup and repair of the damage to
4 property that was caused by the offense, or similar damage to
5 property located in the municipality or county in which the
6 offense occurred. When the property damaged is a school
7 building, the community service may include cleanup, removal,
8 or painting over the defacement. In addition, whenever any
9 person is placed on supervision for an alleged offense under
10 this Section, the supervision shall be conditioned upon the
11 performance of the community service.

12 (4) For the purposes of this subsection (b), aggregate
13 value shall be determined by adding the value of the damage to
14 one or more properties if the offenses were committed as part
15 of a single course of conduct.

16 (Source: P.A. 96-499, eff. 8-14-09; 97-1108, eff. 1-1-13.)