



Sen. Kwame Raoul

Filed: 4/10/2013

09800SB2231sam001

LRB098 08864 RLC 44009 a

1 AMENDMENT TO SENATE BILL 2231

2 AMENDMENT NO. _____. Amend Senate Bill 2231 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Sections 21-1 and 21-1.3 as follows:

6 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

7 Sec. 21-1. Criminal damage to property.

8 (a) A person commits criminal damage to property when he or
9 she:

10 (1) knowingly damages any property of another;

11 (2) recklessly by means of fire or explosive damages
12 property of another;

13 (3) knowingly starts a fire on the land of another;

14 (4) knowingly injures a domestic animal of another
15 without his or her consent;

16 (5) knowingly deposits on the land or in the building

1 of another any stink bomb or any offensive smelling
2 compound and thereby intends to interfere with the use by
3 another of the land or building;

4 (6) knowingly damages any property, other than as
5 described in paragraph (2) of subsection (a) of Section
6 20-1, with intent to defraud an insurer;

7 (7) knowingly shoots a firearm at any portion of a
8 railroad train;

9 (8) knowingly, without proper authorization, cuts,
10 injures, damages, defaces, destroys, or tampers with any
11 fire hydrant or any public or private fire fighting
12 equipment, or any apparatus appertaining to fire fighting
13 equipment; or

14 (9) intentionally, without proper authorization, opens
15 any fire hydrant.

16 (b) When the charge of criminal damage to property
17 exceeding a specified value is brought, the extent of the
18 damage is an element of the offense to be resolved by the trier
19 of fact as either exceeding or not exceeding the specified
20 value.

21 (c) It is an affirmative defense to a violation of
22 paragraph (1), (3), or (5) of subsection (a) of this Section
23 that the owner of the property or land damaged consented to the
24 damage.

25 (d) Sentence.

26 (1) A violation of subsection (a) shall have the

1 following penalties:

2 (A) A violation of paragraph (8) or (9) is a Class
3 B misdemeanor.

4 (B) A violation of paragraph (1), (2), (3), (5), or
5 (6) is a Class A misdemeanor when the damage to
6 property does not exceed \$300.

7 (C) A violation of paragraph (1), (2), (3), (5),
8 or (6) is a Class 4 felony when the damage to property
9 does not exceed \$300 and the damage occurs to property
10 of a school or place of worship or to farm equipment or
11 immovable items of agricultural production, including
12 but not limited to grain elevators, grain bins, and
13 barns or individual graves, gravestones, or markers or
14 property which memorializes or honors police officers,
15 fire fighters, members of the United States Armed
16 Forces, National Guard, or veterans.

17 (D) A violation of paragraph (4) is a Class 4
18 felony when the damage to property does not exceed
19 \$10,000.

20 (E) A violation of paragraph (7) is a Class 4
21 felony.

22 (F) A violation of paragraph (1), (2), (3), (5) or
23 (6) is a Class 4 felony when the damage to property
24 exceeds \$300 but does not exceed \$10,000.

25 (G) A violation of paragraphs (1) through (6) is a
26 Class 3 felony when the damage to property exceeds \$300

1 but does not exceed \$10,000 and the damage occurs to
2 property of a school or place of worship or to farm
3 equipment or immovable items of agricultural
4 production, including but not limited to grain
5 elevators, grain bins, and barns or individual graves,
6 gravestones, or markers or property which memorializes
7 or honors police officers, fire fighters, members of
8 the United States Armed Forces, National Guard, or
9 veterans.

10 (H) A violation of paragraphs (1) through (6) is a
11 Class 3 felony when the damage to property exceeds
12 \$10,000 but does not exceed \$100,000.

13 (I) A violation of paragraphs (1) through (6) is a
14 Class 2 felony when the damage to property exceeds
15 \$10,000 but does not exceed \$100,000 and the damage
16 occurs to property of a school or place of worship or
17 to farm equipment or immovable items of agricultural
18 production, including but not limited to grain
19 elevators, grain bins, and barns or individual graves,
20 gravestones, or markers or property which memorializes
21 or honors police officers, fire fighters, members of
22 the United States Armed Forces, National Guard, or
23 veterans.

24 (J) A violation of paragraphs (1) through (6) is a
25 Class 2 felony when the damage to property exceeds
26 \$100,000. A violation of paragraphs (1) through (6) is

1 a Class 1 felony when the damage to property exceeds
2 \$100,000 and the damage occurs to property of a school
3 or place of worship or to farm equipment or immovable
4 items of agricultural production, including but not
5 limited to grain elevators, grain bins, and barns or
6 individual graves, gravestones, or markers or property
7 which memorializes or honors police officers, fire
8 fighters, members of the United States Armed Forces,
9 National Guard, or veterans.

10 (2) When the damage to property exceeds \$10,000, the
11 court shall impose upon the offender a fine equal to the
12 value of the damages to the property.

13 (3) In addition to any other sentence that may be
14 imposed, a court shall order any person convicted of
15 criminal damage to property to perform community service
16 for not less than 30 and not more than 120 hours, if
17 community service is available in the jurisdiction and is
18 funded and approved by the county board of the county where
19 the offense was committed. In addition, whenever any person
20 is placed on supervision for an alleged offense under this
21 Section, the supervision shall be conditioned upon the
22 performance of the community service.

23 The community service requirement does not apply when
24 the court imposes a sentence of incarceration.

25 (4) In addition to any criminal penalties imposed for a
26 violation of this Section, if a person is convicted of or

1 placed on supervision for knowingly damaging or destroying
2 crops of another, including crops intended for personal,
3 commercial, research, or developmental purposes, the
4 person is liable in a civil action to the owner of any
5 crops damaged or destroyed for money damages up to twice
6 the market value of the crops damaged or destroyed.

7 (5) For the purposes of this subsection (d), "farm
8 equipment" means machinery or other equipment used in
9 farming.

10 (Source: P.A. 96-529, eff. 8-14-09; 97-1108, eff. 1-1-13.)

11 (720 ILCS 5/21-1.3)

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

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

21 (b) Sentence.

22 (1) Criminal defacement of property is a Class A
23 misdemeanor for a first offense when the aggregate value of the
24 damage to the property does not exceed \$300. Criminal
25 defacement of property is a Class 4 felony when the aggregate

1 value of the damage to property does not exceed \$300 and the
2 property damaged is a school building or place of worship or
3 individual graves, gravestones, or markers or property which
4 memorializes or honors police officers, fire fighters, members
5 of the United States Armed Forces, National Guard, or veterans.

6 Criminal defacement of property is a Class 4 felony for a
7 second or subsequent conviction or when the aggregate value of
8 the damage to the property exceeds \$300. Criminal defacement of
9 property is a Class 3 felony when the aggregate value of the
10 damage to property exceeds \$300 and the property damaged is a
11 school building or place of worship or individual graves,
12 gravestones, or markers or property which memorializes or
13 honors police officers, fire fighters, members of the United
14 States Armed Forces, National Guard, or veterans.

15 (2) In addition to any other sentence that may be imposed
16 for a violation of this Section that is chargeable as a Class 3
17 or Class 4 felony, a person convicted of criminal defacement of
18 property shall be subject to a mandatory minimum fine of \$500
19 plus the actual costs incurred by the property owner or the
20 unit of government to abate, remediate, repair, or remove the
21 effect of the damage to the property. To the extent permitted
22 by law, reimbursement for the costs of abatement, remediation,
23 repair, or removal shall be payable to the person who incurred
24 the costs.

25 (3) In addition to any other sentence that may be imposed,
26 a court shall order any person convicted of criminal defacement

1 of property to perform community service for not less than 30
2 and not more than 120 hours, if community service is available
3 in the jurisdiction. The community service shall include, but
4 need not be limited to, the cleanup and repair of the damage to
5 property that was caused by the offense, or similar damage to
6 property located in the municipality or county in which the
7 offense occurred. When the property damaged is a school
8 building, the community service may include cleanup, removal,
9 or painting over the defacement. In addition, whenever any
10 person is placed on supervision for an alleged offense under
11 this Section, the supervision shall be conditioned upon the
12 performance of the community service.

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

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