



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3484

Introduced 2/14/2020, by

SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Code of 2012. Provides that a person also commits criminal damage to property when he or she intentionally damages, destroys, or tampers with equipment in a critical infrastructure facility without authorization from the critical infrastructure facility. Provides that a violation is: (1) a Class 4 felony when the damage to property does not exceed \$500; (2) a Class 3 felony when the damage to property exceeds \$500 but does not exceed \$10,000; and (3) a Class 2 felony when the damage to property exceeds \$10,000. Provides that a person may be liable in any civil action for money damages to the owner of the critical infrastructure facility for any damage resulting from a violation. Provides that it is an affirmative defense to a violation that the owner of the property or land damaged consented to the damage. Provides that a person may also be liable to the owner for court costs and reasonable attorney's fees resulting from a violation. Changes the name of the offense of criminal trespass to a nuclear facility to criminal trespass to a critical infrastructure facility. Includes as an element of the offense that the person must have the intent to damage, destroy, or tamper with equipment of the facility. Provides that a person may also be liable in a civil action for money damages to the owner of the critical infrastructure facility for any damage to personal or real property of the facility resulting from the trespass. Provides that a person may also be liable to the owner for court costs and reasonable attorney's fees. Defines "critical infrastructure facility" and "with the intent to damage, destroy, or tamper with equipment of the facility".

LRB101 17201 RLC 66603 b

CORRECTIONAL
BUDGET AND
IMPACT 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 Sections 21-1 and 21-8 and by adding Section 2-5.05 as follows:

6 (720 ILCS 5/2-5.05 new)

7 Sec. 2-5.05. Critical infrastructure facility. "Critical
8 infrastructure facility" means:

9 (1) any one of the following, if completely enclosed by
10 a fence or other physical barrier that is obviously
11 designed to exclude intruders:

12 (A) a petroleum or alumina refinery;

13 (B) an electrical power generating facility,
14 substation, switching station, electrical control
15 center, or electric power lines, and associated
16 equipment infrastructure;

17 (C) a chemical, polymer, or rubber manufacturing
18 facility;

19 (D) a water intake structure, water treatment 5
20 facility, wastewater treatment plant, or pump station;

21 (E) a natural gas compressor station;

22 (F) a liquid natural gas terminal or storage
23 facility;

1 (G) a telecommunications central switching office;

2 (H) a wireless telecommunications infrastructure,
3 including cell towers, telephone poles and lines,
4 including fiber optic lines;

5 (I) a port, railroad switching yard, railroad
6 tracks, trucking terminal, or other freight
7 transportation facility;

8 (J) a gas processing plant, including a plant used
9 in the processing, treatment or fractionation of
10 natural gas or natural gas liquids;

11 (K) a transmission facility used by a federally
12 licensed radio or television station;

13 (L) a steelmaking facility;

14 (M) a facility identified and regulated by the
15 United States Department of Homeland Security Chemical
16 Facility Anti-Terrorism Standards (CFATS) program;

17 (N) a dam that is regulated by the State or federal
18 government;

19 (O) a natural gas distribution utility facility
20 including, but not limited to, pipeline
21 interconnections, a city gate or town border station,
22 metering station, aboveground piping, regulator
23 station, or natural gas storage facility;

24 (P) a crude oil or refined products storage and
25 distribution facility including, but not limited to,
26 valve sites, pipeline interconnections, pump station,

1 metering station, below or aboveground pipeline or
2 pipng, or truck loading or off-loading facility or an
3 aboveground pipeline that is under construction that
4 is clearly marked that entry is forbidden;

5 (Q) a nuclear facility as defined in Section 3 of
6 the Illinois Nuclear Safety Preparedness Act;

7 (R) a coal mine; or

8 (S) a mining operation, including any processing
9 equipment, batching operation, or support facility for
10 that mining operation; or

11 (2) any aboveground portion of an oil, gas, hazardous
12 liquid or chemical pipeline, tank, railroad facility, or
13 other storage facility that is enclosed by a fence, or
14 other physical barrier.

15 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

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

17 (a) A person commits criminal damage to property when he or
18 she:

19 (1) knowingly damages any property of another;

20 (2) recklessly by means of fire or explosive damages
21 property of another;

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

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

25 (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; or

16 (10) intentionally damages, destroys, or tampers with
17 equipment in a critical infrastructure facility without
18 authorization from the critical infrastructure facility.

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

24 (c) It is an affirmative defense to a violation of
25 paragraph (1), (3), ~~or~~ (5), or (10) of subsection (a) of this
26 Section that the owner of the property or land damaged

1 consented to the damage.

2 (d) Sentence.

3 (1) A violation of subsection (a) shall have the
4 following penalties:

5 (A) A violation of paragraph (8) or (9) is a Class
6 B misdemeanor.

7 (B) A violation of paragraph (1), (2), (3), (5), or
8 (6) is a Class A misdemeanor when the damage to
9 property does not exceed \$500.

10 (C) A violation of paragraph (1), (2), (3), (5), or
11 (6) is a Class 4 felony when the damage to property
12 does not exceed \$500 and the damage occurs to property
13 of a school or place of worship or to farm equipment or
14 immovable items of agricultural production, including
15 but not limited to grain elevators, grain bins, and
16 barns or property which memorializes or honors an
17 individual or group of police officers, fire fighters,
18 members of the United States Armed Forces, National
19 Guard, or veterans.

20 (D) A violation of paragraph (4) is a Class 4
21 felony when the damage to property does not exceed
22 \$10,000.

23 (E) A violation of paragraph (7) is a Class 4
24 felony.

25 (F) A violation of paragraph (1), (2), (3), (5) or
26 (6) is a Class 4 felony when the damage to property

1 exceeds \$500 but does not exceed \$10,000.

2 (G) A violation of paragraphs (1) through (6) is a
3 Class 3 felony when the damage to property exceeds \$500
4 but does not exceed \$10,000 and the damage occurs to
5 property of a school or place of worship or to farm
6 equipment or immovable items of agricultural
7 production, including but not limited to grain
8 elevators, grain bins, and barns or property which
9 memorializes or honors an individual or group of police
10 officers, fire fighters, members of the United States
11 Armed Forces, National Guard, or veterans.

12 (H) A violation of paragraphs (1) through (6) is a
13 Class 3 felony when the damage to property exceeds
14 \$10,000 but does not exceed \$100,000.

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

25 (J) A violation of paragraphs (1) through (6) is a
26 Class 2 felony when the damage to property exceeds

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

11 (K) A violation of paragraph (10) is a Class 4
12 felony when the damage to property does not exceed
13 \$500.

14 (L) A violation of paragraph (10) is a Class 3
15 felony when the damage to property exceeds \$500 but
16 does not exceed \$10,000.

17 (M) A violation of paragraph (10) is a Class 2
18 felony when the damage to property exceeds \$10,000.

19 (1.5) A person may be liable in a civil action for
20 money damages to the owner of the critical infrastructure
21 facility for any damage resulting from a violation of
22 paragraph (10). A person may also be liable to the owner
23 for court costs and reasonable attorney's fees resulting
24 from a violation of paragraph (10).

25 (2) When the damage to property exceeds \$10,000, the
26 court shall impose upon the offender a fine equal to the

1 value of the damages to the property.

2 (3) In addition to any other sentence that may be
3 imposed, a court shall order any person convicted of
4 criminal damage to property to perform community service
5 for not less than 30 and not more than 120 hours, if
6 community service is available in the jurisdiction and is
7 funded and approved by the county board of the county where
8 the offense was committed. In addition, whenever any person
9 is placed on supervision for an alleged offense under this
10 Section, the supervision shall be conditioned upon the
11 performance of the community service.

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

14 (4) In addition to any criminal penalties imposed for a
15 violation of this Section, if a person is convicted of or
16 placed on supervision for knowingly damaging or destroying
17 crops of another, including crops intended for personal,
18 commercial, research, or developmental purposes, the
19 person is liable in a civil action to the owner of any
20 crops damaged or destroyed for money damages up to twice
21 the market value of the crops damaged or destroyed.

22 (5) For the purposes of this subsection (d), "farm
23 equipment" means machinery or other equipment used in
24 farming.

25 (Source: P.A. 98-315, eff. 1-1-14; 99-631, eff. 1-1-17.)

1 (720 ILCS 5/21-8)

2 Sec. 21-8. Criminal trespass to a critical infrastructure
3 ~~nuclear~~ facility.

4 (a) A person commits criminal trespass to a critical
5 infrastructure ~~nuclear~~ facility when he or she intentionally
6 ~~knowingly~~ and without lawful authority, and with intent to
7 damage, destroy, or tamper with equipment of the facility:

8 (1) enters or remains within a critical infrastructure
9 ~~nuclear~~ facility or on the grounds of a critical
10 infrastructure ~~nuclear~~ facility, after receiving notice
11 before entry that entry to the critical infrastructure
12 ~~nuclear~~ facility is forbidden;

13 (2) remains within the critical infrastructure
14 facility or on the grounds of the facility after receiving
15 notice from the owner or manager of the facility or other
16 person authorized by the owner or manager of the facility
17 to give that notice to depart from the facility or grounds
18 of the facility; or

19 (3) enters or remains within a critical infrastructure
20 ~~nuclear~~ facility or on the grounds of a critical
21 infrastructure ~~nuclear~~ facility, by presenting false
22 documents or falsely representing his or her identity
23 orally to the owner or manager of the facility. This
24 paragraph (3) does not apply to a peace officer or other
25 official of a unit of government who enters or remains in
26 the facility in the performance of his or her official

1 duties.

2 (a-5) In this Section, "with intent to damage, destroy, or
3 tamper with equipment of the facility" means actions that
4 create a serious risk for loss of human life, serious risk of
5 harm to public health, or a serious risk of significant damage
6 to the environment.

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

15 (b-5) This Section does not apply to:

16 (1) any person or organization:

17 (i) monitoring or attentive to compliance with
18 public or worker safety laws, wage and hour
19 requirements, or other statutory requirements;

20 (ii) picketing occurring at the workplace that is
21 otherwise lawful and arises out of a bona fide labor
22 dispute including any controversy concerning wages,
23 salaries, hours, working conditions or benefits,
24 including health and welfare, sick leave, insurance,
25 and pension or retirement provisions, the managing or
26 maintenance of collective bargaining agreements, and

1 the terms to be included in those agreements; or

2 (iii) engaging in union organizing or recruitment
3 activities including attempting to reach workers
4 verbally, in writing with pamphlets and in the
5 investigation of non-union working conditions, or
6 both; or

7 (2) exercising the right of free speech or assembly
8 that is otherwise lawful. Nothing in this amendatory Act of
9 the 101st General Assembly shall be deemed to limit or
10 impede the right to free speech or assembly, including, but
11 not limited to, protesting and picketing.

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

15 (d) Sentence. Criminal trespass to a critical
16 infrastructure nuclear facility is a Class 4 felony for which
17 the court, in addition to other penalties provided for in this
18 subsection (d), shall impose a fine of not less than \$1,000.

19 (e) A person may also be liable in a civil action for money
20 damages to the owner of the critical infrastructure facility
21 for any damage to personal or real property of the facility
22 resulting from the trespass. A person may also be liable to the
23 owner for court costs and reasonable attorney's fees.

24 (Source: P.A. 97-1108, eff. 1-1-13.)

1

INDEX

2

Statutes amended in order of appearance

3

720 ILCS 5/2-5.05 new

4

720 ILCS 5/21-1

from Ch. 38, par. 21-1

5

720 ILCS 5/21-8