

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Cemetery Protection Act is amended by
5 changing Section 1 as follows:

6 (765 ILCS 835/1) (from Ch. 21, par. 15)

7 Sec. 1. (a) Any person who acts without proper legal
8 authority and who willfully and knowingly destroys or damages
9 the remains of a deceased human being or who desecrates human
10 remains is guilty of a Class 3 felony.

11 (a-5) Any person who acts without proper legal authority
12 and who willfully and knowingly removes any portion of the
13 remains of a deceased human being from a burial ground where
14 skeletal remains are buried or from a grave, crypt, vault,
15 mausoleum, or other repository of human remains is guilty of a
16 Class 4 felony.

17 (b) Any person who acts without proper legal authority and
18 who willfully and knowingly:

19 (1) obliterates, vandalizes, or desecrates a burial
20 ground where skeletal remains are buried or a grave, crypt,
21 vault, mausoleum, or other repository of human remains;

22 (2) obliterates, vandalizes, or desecrates a park or
23 other area clearly designated to preserve and perpetuate
24 the memory of a deceased person or group of persons;

25 (3) obliterates, vandalizes, or desecrates plants,
26 trees, shrubs, or flowers located upon or around a
27 repository for human remains or within a human graveyard or
28 cemetery; or

29 (4) obliterates, vandalizes, or desecrates a fence,
30 rail, curb, or other structure of a similar nature intended
31 for the protection or for the ornamentation of any tomb,
32 monument, gravestone, or other structure of like

1 character;
2 is guilty of a Class A misdemeanor if the amount of the damage
3 is less than \$500, a Class 4 felony if the amount of the damage
4 is at least \$500 and less than \$10,000, a Class 3 felony if the
5 amount of the damage is at least \$10,000 and less than
6 \$100,000, or a Class 2 felony if the damage is \$100,000 or more
7 and shall provide restitution to the cemetery authority or
8 property owner for the amount of any damage caused.

9 (b-5) Any person who acts without proper legal authority
10 and who willfully and knowingly defaces, vandalizes, injures,
11 or removes a gravestone or other memorial, monument, or marker
12 commemorating a deceased person or group of persons, whether
13 located within or outside of a recognized cemetery, memorial
14 park, or battlefield is guilty of a Class 4 felony for damaging
15 at least one but no more than 4 gravestones, a Class 3 felony
16 for damaging at least 5 but no more than 10 gravestones, or a
17 Class 2 felony for damaging more than 10 gravestones and shall
18 provide restitution to the cemetery authority or property owner
19 for the amount of any damage caused.

20 (b-7) Any person who acts without proper legal authority
21 and who willfully and knowingly removes with the intent to
22 resell a gravestone or other memorial, monument, or marker
23 commemorating a deceased person or group of persons, whether
24 located within or outside a recognized cemetery, memorial park,
25 or battlefield, is guilty of a Class 2 felony.

26 (c) The provisions of this Section shall not apply to the
27 removal or unavoidable breakage or injury by a cemetery
28 authority of anything placed in or upon any portion of its
29 cemetery in violation of any of the rules and regulations of
30 the cemetery authority, nor to the removal of anything placed
31 in the cemetery by or with the consent of the cemetery
32 authority that in the judgment of the cemetery authority has
33 become wrecked, unsightly, or dilapidated.

34 (d) If an unemancipated minor is found guilty of violating
35 any of the provisions of subsection (b) of this Section and is
36 unable to provide restitution to the cemetery authority or

1 property owner, the parents or legal guardians of that minor
2 shall provide restitution to the cemetery authority or property
3 owner for the amount of any damage caused, up to the total
4 amount allowed under the Parental Responsibility Law.

5 (d-5) Any person who commits any of the following:

6 (1) any unauthorized, non-related third party or
7 person who enters any sheds, crematories, or employee
8 areas;

9 (2) any non-cemetery personnel who solicits cemetery
10 mourners or funeral directors on the grounds or in the
11 offices or chapels of a cemetery before, during, or after a
12 burial;

13 (3) any person who harasses or threatens any employee
14 of a cemetery on cemetery grounds; or

15 (4) any unauthorized person who removes, destroys, or
16 disturbs any cemetery devices or property placed for safety
17 of visitors and cemetery employees;

18 is guilty of a Class A misdemeanor for the first offense and of
19 a Class 4 felony for a second or subsequent offense.

20 (e) Any person who shall hunt, shoot or discharge any gun,
21 pistol or other missile, within the limits of any cemetery, or
22 shall cause any shot or missile to be discharged into or over
23 any portion thereof, or shall violate any of the rules made and
24 established by the board of directors of such cemetery, for the
25 protection or government thereof, is guilty of a Class C
26 misdemeanor.

27 (f) Any person who knowingly enters or knowingly remains
28 upon the premises of a public or private cemetery without
29 authorization during hours that the cemetery is posted as
30 closed to the public is guilty of a Class A misdemeanor.

31 (g) All fines when recovered, shall be paid over by the
32 court or officer receiving the same to the cemetery association
33 and be applied, as far as possible in repairing the injury, if
34 any, caused by such offense. Provided, nothing contained in
35 this Act shall deprive such cemetery association, or the owner
36 of any lot or monument from maintaining an action for the

1 recovery of damages caused by any injury caused by a violation
2 of the provisions of this Act, or of the rules established by
3 the board of directors of such cemetery association. Nothing in
4 this Section shall be construed to prohibit the discharge of
5 firearms loaded with blank ammunition as part of any funeral,
6 any memorial observance or any other patriotic or military
7 ceremony.

8 (Source: P.A. 92-419, eff. 1-1-02.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.