



Sen. John J. Cullerton

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09400SB1210sam001

LRB094 04866 LCB 44585 a

1 AMENDMENT TO SENATE BILL 1210

2 AMENDMENT NO. _____. Amend Senate Bill 1210 by replacing
3 everything after the enacting clause with the following:

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;

1 (3) obliterates, vandalizes, or desecrates plants,
2 trees, shrubs, or flowers located upon or around a
3 repository for human remains or within a human graveyard or
4 cemetery; or

5 (4) obliterates, vandalizes, or desecrates a fence,
6 rail, curb, or other structure of a similar nature intended
7 for the protection or for the ornamentation of any tomb,
8 monument, gravestone, or other structure of like
9 character;

10 is guilty of a Class A misdemeanor if the amount of the damage
11 is less than \$500, a Class 4 felony if the amount of the damage
12 is at least \$500 and less than \$10,000, a Class 3 felony if the
13 amount of the damage is at least \$10,000 and less than
14 \$100,000, or a Class 2 felony if the damage is \$100,000 or more
15 and shall provide restitution to the cemetery authority or
16 property owner for the amount of any damage caused.

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

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

34 (c) The provisions of this Section shall not apply to the

1 removal or unavoidable breakage or injury by a cemetery
2 authority of anything placed in or upon any portion of its
3 cemetery in violation of any of the rules and regulations of
4 the cemetery authority, nor to the removal of anything placed
5 in the cemetery by or with the consent of the cemetery
6 authority that in the judgment of the cemetery authority has
7 become wrecked, unsightly, or dilapidated.

8 (d) If an unemancipated minor is found guilty of violating
9 any of the provisions of subsection (b) of this Section and is
10 unable to provide restitution to the cemetery authority or
11 property owner, the parents or legal guardians of that minor
12 shall provide restitution to the cemetery authority or property
13 owner for the amount of any damage caused, up to the total
14 amount allowed under the Parental Responsibility Law.

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

16 (1) any unauthorized, non-related third party or
17 person who enters any sheds, crematories, or employee
18 areas;

19 (2) any non-cemetery personnel who solicits cemetery
20 mourners or funeral directors on the grounds or in the
21 offices or chapels of a cemetery before, during, or after a
22 burial;

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

25 (4) any unauthorized person who removes, destroys, or
26 disturbs any cemetery devices or property placed for safety
27 of visitors and cemetery employees;

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

30 (e) Any person who shall hunt, shoot or discharge any gun,
31 pistol or other missile, within the limits of any cemetery, or
32 shall cause any shot or missile to be discharged into or over
33 any portion thereof, or shall violate any of the rules made and
34 established by the board of directors of such cemetery, for the

1 protection or government thereof, is guilty of a Class C
2 misdemeanor.

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

7 (g) All fines when recovered, shall be paid over by the
8 court or officer receiving the same to the cemetery association
9 and be applied, as far as possible in repairing the injury, if
10 any, caused by such offense. Provided, nothing contained in
11 this Act shall deprive such cemetery association, or the owner
12 of any lot or monument from maintaining an action for the
13 recovery of damages caused by any injury caused by a violation
14 of the provisions of this Act, or of the rules established by
15 the board of directors of such cemetery association. Nothing in
16 this Section shall be construed to prohibit the discharge of
17 firearms loaded with blank ammunition as part of any funeral,
18 any memorial observance or any other patriotic or military
19 ceremony.

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."