



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2515

Introduced 1/18/2006, by Sen. Carol Ronen

SYNOPSIS AS INTRODUCED:

720 ILCS 5/21-3

from Ch. 38, par. 21-3

Amends the Criminal Code of 1961. Provides that the statute concerning criminal trespass to real property does not apply to entrance upon land that is open to the public while the land is open to the public during its normal hours of operation and does not apply to a person who enters upon land under the reasonable belief that the land is still open to the public even after being given notice from the owner or occupant of the land to depart.

LRB094 18338 RLC 53649 b

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 1961 is amended by changing
5 Section 21-3 as follows:

6 (720 ILCS 5/21-3) (from Ch. 38, par. 21-3)

7 Sec. 21-3. Criminal trespass to real property.

8 (a) Except as provided in subsection (a-5), whoever:

9 (1) knowingly and without lawful authority enters or
10 remains within or on a building; or

11 (2) enters upon the land of another, after receiving,
12 prior to such entry, notice from the owner or occupant that
13 such entry is forbidden; or

14 (3) remains upon the land of another, after receiving
15 notice from the owner or occupant to depart; or

16 (3.5) presents false documents or falsely represents
17 his or her identity orally to the owner or occupant of a
18 building or land in order to obtain permission from the
19 owner or occupant to enter or remain in the building or on
20 the land;

21 commits a Class B misdemeanor.

22 For purposes of items ~~item~~ (1), (2), and (3) of this
23 subsection, this Section shall not apply to being in a building
24 or upon land which is open to the public while the building or
25 land is open to the public during its normal hours of
26 operation; nor shall this Section apply to a person who enters
27 a public building or upon land under the reasonable belief that
28 the building or land is still open to the public.

29 (a-5) Except as otherwise provided in this subsection,
30 whoever enters upon any of the following areas in or on a motor
31 vehicle (including an off-road vehicle, motorcycle, moped, or
32 any other powered two-wheel vehicle) after receiving, prior to

1 that entry, notice from the owner or occupant that the entry is
2 forbidden or remains upon or in the area after receiving notice
3 from the owner or occupant to depart commits a Class A
4 misdemeanor:

5 (1) A field that is used for growing crops or that is
6 capable of being used for growing crops.

7 (2) An enclosed area containing livestock.

8 (3) An orchard.

9 (4) A barn or other agricultural building containing
10 livestock.

11 (b) A person has received notice from the owner or occupant
12 within the meaning of Subsection (a) if he has been notified
13 personally, either orally or in writing including a valid court
14 order as defined by subsection (7) of Section 112A-3 of the
15 Code of Criminal Procedure of 1963 granting remedy (2) of
16 subsection (b) of Section 112A-14 of that Code, or if a printed
17 or written notice forbidding such entry has been conspicuously
18 posted or exhibited at the main entrance to such land or the
19 forbidden part thereof.

20 (c) This Section does not apply to any person, whether a
21 migrant worker or otherwise, living on the land with permission
22 of the owner or of his agent having apparent authority to hire
23 workers on such land and assign them living quarters or a place
24 of accommodations for living thereon, nor to anyone living on
25 such land at the request of, or by occupancy, leasing or other
26 agreement or arrangement with the owner or his agent, nor to
27 anyone invited by such migrant worker or other person so living
28 on such land to visit him at the place he is so living upon the
29 land.

30 (d) A person shall be exempt from prosecution under this
31 Section if he beautifies unoccupied and abandoned residential
32 and industrial properties located within any municipality. For
33 the purpose of this subsection, "unoccupied and abandoned
34 residential and industrial property" means any real estate (1)
35 in which the taxes have not been paid for a period of at least 2
36 years; and (2) which has been left unoccupied and abandoned for

1 a period of at least one year; and "beautifies" means to
2 landscape, clean up litter, or to repair dilapidated conditions
3 on or to board up windows and doors.

4 (e) No person shall be liable in any civil action for money
5 damages to the owner of unoccupied and abandoned residential
6 and industrial property which that person beautifies pursuant
7 to subsection (d) of this Section.

8 (f) This Section does not prohibit a person from entering a
9 building or upon the land of another for emergency purposes.
10 For purposes of this subsection (f), "emergency" means a
11 condition or circumstance in which an individual is or is
12 reasonably believed by the person to be in imminent danger of
13 serious bodily harm or in which property is or is reasonably
14 believed to be in imminent danger of damage or destruction.

15 (g) Paragraph (3.5) of subsection (a) does not apply to a
16 peace officer or other official of a unit of government who
17 enters a building or land in the performance of his or her
18 official duties.

19 (h) ~~(g)~~ A person may be liable in any civil action for
20 money damages to the owner of the land he or she entered upon
21 with a motor vehicle as prohibited under subsection (a-5)
22 ~~paragraph (4) of subsection (a)~~ of this Section. A person may
23 also be liable to the owner for court costs and reasonable
24 attorney's fees. The measure of damages shall be: (i) the
25 actual damages, but not less than \$250, if the vehicle is
26 operated in a nature preserve or registered area as defined in
27 Sections 3.11 and 3.14 of the Illinois Natural Areas
28 Preservation Act; (ii) twice the actual damages if the owner
29 has previously notified the person to cease trespassing; or
30 (iii) in any other case, the actual damages, but not less than
31 \$50. If the person operating the vehicle is under the age of
32 16, the owner of the vehicle and the parent or legal guardian
33 of the minor are jointly and severally liable. For the purposes
34 of this subsection (h) ~~(g)~~:

35 "Land" includes, but is not limited to, land used for
36 crop land, fallow land, orchard, pasture, feed lot, timber

1 land, prairie land, mine spoil nature preserves and
2 registered areas. "Land" does not include driveways or
3 private roadways upon which the owner allows the public to
4 drive.

5 "Owner" means the person who has the right to
6 possession of the land, including the owner, operator or
7 tenant.

8 "Vehicle" has the same meaning as provided under
9 Section 1-217 of the Illinois Vehicle Code.

10 (Source: P.A. 94-263, eff. 1-1-06; 94-509, eff. 8-9-05; 94-512,
11 eff. 1-1-06; revised 8-19-05.)