



Rep. Kathleen Willis

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09900HB6036ham003

LRB099 18881 RLC 47171 a

1 AMENDMENT TO HOUSE BILL 6036

2 AMENDMENT NO. _____. Amend House Bill 6036 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by adding
5 Section 12-5.1b as follows:

6 (720 ILCS 5/12-5.1b new)

7 Sec. 12-5.1b. Criminal building management.

8 (a) A person commits criminal building management when,
9 having personal or professional management or control of
10 commercial real estate, whether as a legal or equitable owner
11 or as a managing agent or otherwise, he or she recklessly
12 permits or causes the physical condition or facilities of the
13 commercial real estate to become or remain in any condition
14 that is a contributing factor in the permanent disability or
15 death of a first responder and:

16 (1) the condition resulted from a cited building code

1 violation, which was not corrected, or resulted from work
2 done without a proper permit;

3 (2) the person has actual notice of the cited building
4 code violation or work done on the commercial real estate
5 without a proper permit, has authority to undertake
6 remedial measures to correct the defects in the commercial
7 real estate, and failed to correct the defects; and

8 (3) the person recklessly conceals or attempts to
9 conceal the condition.

10 (b) The trier of fact may infer that a first responder
11 suffered permanent disability if the first responder received a
12 declaration of permanent disability from the federal Social
13 Security Administration, the Illinois Workers' Compensation
14 Commission, the federal Department of Defense, or an insurer
15 authorized to transact business in this State who is providing
16 disability insurance coverage to the first responder.

17 (c) For purposes of this Section:

18 "Commercial real estate" means any real estate located
19 in this State other than:

20 (1) real estate containing one to 6 residential
21 units;

22 (2) real estate on which no buildings or structures
23 are located; or

24 (3) real estate classified as farmland for
25 assessment purposes under the Property Tax Code.

26 "Commercial real estate" does not include single

1 family residential units such as condominiums, townhouses,
2 or homes in a subdivision when sold, leased, or otherwise
3 conveyed on a unit by unit basis even though these units
4 may be part of a larger building or parcel of real estate
5 containing more than 6 residential units.

6 "First responder" means emergency medical services
7 personnel as defined in Section 3.5 of the Emergency
8 Medical Services (EMS) Systems Act, a law enforcement
9 officer, or firefighter.

10 "Permanent disability" means a physical or mental
11 impairment, disease, or loss of a permanent nature that
12 prevents employment with or without reasonable
13 accommodation.

14 "Person" includes a prior owner of the commercial real
15 estate, if he or she owned the commercial real estate
16 within the 6 months prior to the violation.

17 (d) Sentence. Criminal building management is a Class 4
18 felony."