



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB1633

by Rep. Jay Hoffman

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Code of 2012. Creates the offense of criminal damage to a critical infrastructure facility for a person who knowingly damages, destroys, vandalizes, defaces, or tampers with equipment in a critical infrastructure facility. Provides the penalty is a Class 1 felony punishable by a fine of \$100,000, imprisonment, or both. Expands the offense of criminal trespass to a nuclear facility to include other critical infrastructure facilities. Provides the penalty is a Class 4 felony punishable by a fine of not less than \$1,000, imprisonment, or both. Creates the offense of aggravated criminal trespass to a critical infrastructure facility for a person who commits a criminal trespass to a critical infrastructure facility with the intent to damage, destroy, vandalize, deface, or tamper with equipment of the facility, or impede or inhibit operations of the facility. Provides the penalty is a Class 3 felony punishable by a fine of not less than \$10,000, imprisonment, or both. Provides if a business, corporation, or organization is convicted of conspiracy to commit any of the offenses the entity shall, in addition to any other applicable penalty, be sentenced to a fine of not less than 10 times the minimum fine authorized for the offense. Provides a person may be liable in any 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 any of the offenses, and that a person may also be liable to the owner for court costs and reasonable attorney's fees. Provides for exemptions. Defines "critical infrastructure facility".

LRB101 07428 SLF 52470 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 8-2 and 21-8 and by adding Sections 2-5.05 and 21-1.05  
6 as follows:

7 (720 ILCS 5/2-5.05 new)

8 Sec. 2-5.05. Critical infrastructure facility.

9 "Critical infrastructure facility" means:

10 (1) any one of the following, if completely enclosed by  
11 a fence or other physical barrier that is obviously  
12 designed to exclude intruders, or if clearly marked with a  
13 sign or signs that are posted on the property that are  
14 reasonably likely to come to the attention of intruders and  
15 indicate that entry is forbidden without site  
16 authorization:

17 (A) petroleum or alumina refinery;

18 (B) electrical power generating facility,  
19 substation, switching station, electrical control  
20 center, or electric power lines, and associated  
21 equipment infrastructure;

22 (C) chemical, polymer, or rubber manufacturing  
23 facility;

1           (D) water intake structure, water treatment  
2 facility, wastewater treatment plant, or pump station;

3           (E) natural gas compressor station;

4           (F) liquid natural gas terminal or storage  
5 facility;

6           (G) telecommunications central switching office;

7           (H) wireless telecommunications infrastructure,  
8 including cell towers, telephone poles and lines,  
9 including fiber optic lines;

10          (I) port, railroad switching yard, railroad  
11 tracks, trucking terminal, or other freight  
12 transportation facility;

13          (J) gas processing plant, including a plant used in  
14 the processing, treatment or fractionation of natural  
15 gas or natural gas liquids;

16          (K) transmission facility used by a federally  
17 licensed radio or television station;

18          (L) steelmaking facility;

19          (M) facility identified and regulated by the  
20 United States Department of Homeland Security Chemical  
21 Facility Anti-Terrorism Standards (CFATS) program;

22          (N) dam that is regulated by the State or federal  
23 government;

24          (O) natural gas distribution utility facility  
25 including, but not limited to, pipeline  
26 interconnections, a city gate or town border station,

1 metering station, aboveground piping, regulator  
2 station, or natural gas storage facility;

3 (P) crude oil or refined products storage and  
4 distribution facility including, but not limited to,  
5 valve sites, pipeline interconnections, pump station,  
6 metering station, below or aboveground pipeline or  
7 piping, or truck loading or off-loading facility;

8 (Q) nuclear facility as defined in Section 3 of the  
9 Illinois Nuclear Safety Preparedness Act;

10 (R) facility of the United States Department of  
11 Defense for which the State has concurrent  
12 jurisdiction; or

13 (S) military base of the United States Armed  
14 Forces, including a National Guard base, for which the  
15 State has concurrent or exclusive jurisdiction; or

16 (2) any aboveground portion of an oil, gas, hazardous  
17 liquid or chemical pipeline, tank, railroad facility, or  
18 other storage facility that is enclosed by a fence, other  
19 physical barrier, or is clearly marked with signs  
20 prohibiting trespassing, that are obviously designed to  
21 exclude intruders.

22 (720 ILCS 5/8-2) (from Ch. 38, par. 8-2)

23 Sec. 8-2. Conspiracy.

24 (a) Elements of the offense. A person commits the offense  
25 of conspiracy when, with intent that an offense be committed,

1 he or she agrees with another to the commission of that  
2 offense. No person may be convicted of conspiracy to commit an  
3 offense unless an act in furtherance of that agreement is  
4 alleged and proved to have been committed by him or her or by a  
5 co-conspirator.

6 (b) Co-conspirators. It is not a defense to conspiracy that  
7 the person or persons with whom the accused is alleged to have  
8 conspired:

9 (1) have not been prosecuted or convicted,

10 (2) have been convicted of a different offense,

11 (3) are not amenable to justice,

12 (4) have been acquitted, or

13 (5) lacked the capacity to commit an offense.

14 (c) Sentence.

15 (1) Except as otherwise provided in this subsection or  
16 Code, a person convicted of conspiracy to commit:

17 (A) a Class X felony shall be sentenced for a Class  
18 1 felony;

19 (B) a Class 1 felony shall be sentenced for a Class  
20 2 felony;

21 (C) a Class 2 felony shall be sentenced for a Class  
22 3 felony;

23 (D) a Class 3 felony shall be sentenced for a Class  
24 4 felony;

25 (E) a Class 4 felony shall be sentenced for a Class  
26 4 felony; and

1 (F) a misdemeanor may be fined or imprisoned or  
2 both not to exceed the maximum provided for the offense  
3 that is the object of the conspiracy.

4 (2) A person convicted of conspiracy to commit any of  
5 the following offenses shall be sentenced for a Class X  
6 felony:

7 (A) aggravated insurance fraud conspiracy when the  
8 person is an organizer of the conspiracy (720 ILCS  
9 5/46-4); or

10 (B) aggravated governmental entity insurance fraud  
11 conspiracy when the person is an organizer of the  
12 conspiracy (720 ILCS 5/46-4).

13 (3) A person convicted of conspiracy to commit any of  
14 the following offenses shall be sentenced for a Class 1  
15 felony:

16 (A) first degree murder (720 ILCS 5/9-1); or

17 (B) aggravated insurance fraud (720 ILCS 5/46-3)  
18 or aggravated governmental insurance fraud (720 ILCS  
19 5/46-3).

20 (4) A person convicted of conspiracy to commit  
21 insurance fraud (720 ILCS 5/46-3) or governmental entity  
22 insurance fraud (720 ILCS 5/46-3) shall be sentenced for a  
23 Class 2 felony.

24 (5) A person convicted of conspiracy to commit any of  
25 the following offenses shall be sentenced for a Class 3  
26 felony:

1 (A) soliciting for a prostitute (720 ILCS  
2 5/11-14.3(a)(1));

3 (B) pandering (720 ILCS 5/11-14.3(a)(2)(A) or  
4 5/11-14.3(a)(2)(B));

5 (C) keeping a place of prostitution (720 ILCS  
6 5/11-14.3(a)(1));

7 (D) pimping (720 ILCS 5/11-14.3(a)(2)(C));

8 (E) unlawful use of weapons under Section  
9 24-1(a)(1) (720 ILCS 5/24-1(a)(1));

10 (F) unlawful use of weapons under Section  
11 24-1(a)(7) (720 ILCS 5/24-1(a)(7));

12 (G) gambling (720 ILCS 5/28-1);

13 (H) keeping a gambling place (720 ILCS 5/28-3);

14 (I) registration of federal gambling stamps  
15 violation (720 ILCS 5/28-4);

16 (J) look-alike substances violation (720 ILCS  
17 570/404);

18 (K) miscellaneous controlled substance violation  
19 under Section 406(b) (720 ILCS 570/406(b)); or

20 (L) an inchoate offense related to any of the  
21 principal offenses set forth in this item (5).

22 (6) A business, corporation, or organization convicted  
23 of conspiracy to commit criminal damage to a critical  
24 infrastructure facility, criminal trespass to a critical  
25 infrastructure facility, or aggravated criminal trespass  
26 to a critical infrastructure facility shall, in addition to

1 any other applicable penalty, be sentenced to a fine of not  
2 less than 10 times the minimum fine authorized for the  
3 offense.

4 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, eff. 7-1-11.)

5 (720 ILCS 5/21-1.05 new)

6 Sec. 21-1.05. Criminal damage to a critical infrastructure  
7 facility.

8 (a) A person commits criminal damage to a critical  
9 infrastructure facility when he or she knowingly damages,  
10 destroys, vandalizes, defaces, or tampers with equipment in a  
11 critical infrastructure facility.

12 (b) A person may be liable in any civil action for money  
13 damages to the owner of the critical infrastructure facility  
14 for any damage resulting from the offense. A person may also be  
15 liable to the owner for court costs and reasonable attorney's  
16 fees.

17 (c) Sentence. Criminal damage to a critical infrastructure  
18 facility is a Class 1 felony punishable by a fine of \$100,000,  
19 imprisonment, or both.

20 (720 ILCS 5/21-8)

21 Sec. 21-8. Criminal trespass to a critical infrastructure  
22 ~~nuclear~~ facility; aggravated criminal trespass to a critical  
23 infrastructure facility.

24 (a) A person commits criminal trespass to a critical



1 infrastructure ~~nuclear~~ facility when he or she knowingly and  
2 without lawful authority:

3 (1) enters or remains within a critical infrastructure  
4 ~~nuclear~~ facility or on the grounds of a critical  
5 infrastructure ~~nuclear~~ facility, after receiving notice  
6 before entry that entry to the critical infrastructure  
7 ~~nuclear~~ facility is forbidden;

8 (2) remains within the critical infrastructure  
9 facility or on the grounds of the facility after receiving  
10 notice from the owner or manager of the facility or other  
11 person authorized by the owner or manager of the facility  
12 to give that notice to depart from the facility or grounds  
13 of the facility; or

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

23 (a-5) A person commits aggravated criminal trespass to a  
24 critical infrastructure facility when he or she violates  
25 subsection (a) of this Section with the intent to damage,  
26 destroy, vandalize, deface, or tamper with equipment of the

1 facility, or impede or inhibit operations of the facility.

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

10 (b-5) A person may be liable in any civil action for money  
11 damages to the owner of the critical infrastructure facility  
12 for any damage to personal or real property of the facility  
13 resulting from the trespass. A person may also be liable to the  
14 owner for court costs and reasonable attorney's fees.

15 (b-10) 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; or

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) engaged 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) an exercise of the right of free speech or assembly  
8           that is otherwise lawful.

9           (c) (Blank). ~~In this Section, "nuclear facility" has the~~  
10 ~~meaning ascribed to it in Section 3 of the Illinois Nuclear~~  
11 ~~Safety Preparedness Act.~~

12           (d) Sentence. Criminal trespass to a critical  
13 infrastructure ~~nuclear~~ facility is a Class 4 felony punishable  
14 by a fine of not less than \$1,000, imprisonment, or both.  
15 Aggravated criminal trespass to a critical infrastructure  
16 facility is a Class 3 felony punishable by a fine of not less  
17 than \$10,000, imprisonment, or both.

18           (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 5/8-2 from Ch. 38, par. 8-2

5 720 ILCS 5/21-1.05 new

6 720 ILCS 5/21-8