



Sen. Michael E. Hastings

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LRB101 07428 RLC 61272 a

1 AMENDMENT TO HOUSE BILL 1633

2 AMENDMENT NO. _____. Amend House Bill 1633 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Sections 21-1 and 21-8 and by adding Section 2-5.05 as
6 follows:

7 (720 ILCS 5/2-5.05 new)

8 Sec. 2-5.05. Critical infrastructure facility. "Critical
9 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:

13 (A) a petroleum or alumina refinery;

14 (B) an electrical power generating facility,
15 substation, switching station, electrical control
16 center, or electric power lines, and associated

1 equipment infrastructure;

2 (C) a chemical, polymer, or rubber manufacturing
3 facility;

4 (D) a water intake structure, water treatment
5 facility, wastewater treatment plant, or pump station;

6 (E) a natural gas compressor station;

7 (F) a liquid natural gas terminal or storage
8 facility;

9 (G) a telecommunications central switching office;

10 (H) a wireless telecommunications infrastructure,
11 including cell towers, telephone poles and lines,
12 including fiber optic lines;

13 (I) a port, railroad switching yard, railroad
14 tracks, trucking terminal, or other freight
15 transportation facility;

16 (J) a gas processing plant, including a plant used
17 in the processing, treatment or fractionation of
18 natural gas or natural gas liquids;

19 (K) a transmission facility used by a federally
20 licensed radio or television station;

21 (L) a steelmaking facility;

22 (M) a facility identified and regulated by the
23 United States Department of Homeland Security Chemical
24 Facility Anti-Terrorism Standards (CFATS) program;

25 (N) a dam that is regulated by the State or federal
26 government;

1 (O) a natural gas distribution utility facility
2 including, but not limited to, pipeline
3 interconnections, a city gate or town border station,
4 metering station, aboveground piping, regulator
5 station, or natural gas storage facility;

6 (P) a crude oil or refined products storage and
7 distribution facility including, but not limited to,
8 valve sites, pipeline interconnections, pump station,
9 metering station, below or aboveground pipeline or
10 piping, or truck loading or off-loading facility or an
11 aboveground pipeline that is under construction that
12 is clearly marked that entry is forbidden;

13 (Q) a nuclear facility as defined in Section 3 of
14 the Illinois Nuclear Safety Preparedness Act;

15 (R) a coal mine; or

16 (S) a mining operation, including any processing
17 equipment, batching operation, or support facility for
18 that mining operation; or

19 (2) any aboveground portion of an oil, gas, hazardous
20 liquid or chemical pipeline, tank, railroad facility, or
21 other storage facility that is enclosed by a fence, or
22 other physical barrier.

23 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

24 Sec. 21-1. Criminal damage to property.

25 (a) A person commits criminal damage to property when he or

1 she:

2 (1) knowingly damages any property of another;

3 (2) recklessly by means of fire or explosive damages
4 property of another;

5 (3) knowingly starts a fire on the land of another;

6 (4) knowingly injures a domestic animal of another
7 without his or her consent;

8 (5) knowingly deposits on the land or in the building
9 of another any stink bomb or any offensive smelling
10 compound and thereby intends to interfere with the use by
11 another of the land or building;

12 (6) knowingly damages any property, other than as
13 described in paragraph (2) of subsection (a) of Section
14 20-1, with intent to defraud an insurer;

15 (7) knowingly shoots a firearm at any portion of a
16 railroad train;

17 (8) knowingly, without proper authorization, cuts,
18 injures, damages, defaces, destroys, or tampers with any
19 fire hydrant or any public or private fire fighting
20 equipment, or any apparatus appertaining to fire fighting
21 equipment; ~~or~~

22 (9) intentionally, without proper authorization, opens
23 any fire hydrant; or

24 (10) intentionally damages, destroys, or tampers with
25 equipment in a critical infrastructure facility without
26 authorization from the critical infrastructure facility.

1 (b) When the charge of criminal damage to property
2 exceeding a specified value is brought, the extent of the
3 damage is an element of the offense to be resolved by the trier
4 of fact as either exceeding or not exceeding the specified
5 value.

6 (c) It is an affirmative defense to a violation of
7 paragraph (1), (3), ~~or~~ (5), or (10) of subsection (a) of this
8 Section that the owner of the property or land damaged
9 consented to the damage.

10 (d) Sentence.

11 (1) A violation of subsection (a) shall have the
12 following penalties:

13 (A) A violation of paragraph (8) or (9) is a Class
14 B misdemeanor.

15 (B) A violation of paragraph (1), (2), (3), (5), or
16 (6) is a Class A misdemeanor when the damage to
17 property does not exceed \$500.

18 (C) A violation of paragraph (1), (2), (3), (5), or
19 (6) is a Class 4 felony when the damage to property
20 does not exceed \$500 and the damage occurs to property
21 of a school or place of worship or to farm equipment or
22 immovable items of agricultural production, including
23 but not limited to grain elevators, grain bins, and
24 barns or property which memorializes or honors an
25 individual or group of police officers, fire fighters,
26 members of the United States Armed Forces, National

1 Guard, or veterans.

2 (D) A violation of paragraph (4) is a Class 4
3 felony when the damage to property does not exceed
4 \$10,000.

5 (E) A violation of paragraph (7) is a Class 4
6 felony.

7 (F) A violation of paragraph (1), (2), (3), (5) or
8 (6) is a Class 4 felony when the damage to property
9 exceeds \$500 but does not exceed \$10,000.

10 (G) A violation of paragraphs (1) through (6) is a
11 Class 3 felony when the damage to property exceeds \$500
12 but does not exceed \$10,000 and the damage occurs to
13 property of a school or place of worship or to farm
14 equipment or immovable items of agricultural
15 production, including but not limited to grain
16 elevators, grain bins, and barns or property which
17 memorializes or honors an individual or group of police
18 officers, fire fighters, members of the United States
19 Armed Forces, National Guard, or veterans.

20 (H) A violation of paragraphs (1) through (6) is a
21 Class 3 felony when the damage to property exceeds
22 \$10,000 but does not exceed \$100,000.

23 (I) A violation of paragraphs (1) through (6) is a
24 Class 2 felony when the damage to property exceeds
25 \$10,000 but does not exceed \$100,000 and the damage
26 occurs to property of a school or place of worship or

1 to farm equipment or immovable items of agricultural
2 production, including but not limited to grain
3 elevators, grain bins, and barns or property which
4 memorializes or honors an individual or group of police
5 officers, fire fighters, members of the United States
6 Armed Forces, National Guard, or veterans.

7 (J) A violation of paragraphs (1) through (6) is a
8 Class 2 felony when the damage to property exceeds
9 \$100,000. A violation of paragraphs (1) through (6) is
10 a Class 1 felony when the damage to property exceeds
11 \$100,000 and the damage occurs to property of a school
12 or place of worship or to farm equipment or immovable
13 items of agricultural production, including but not
14 limited to grain elevators, grain bins, and barns or
15 property which memorializes or honors an individual or
16 group of police officers, fire fighters, members of the
17 United States Armed Forces, National Guard, or
18 veterans.

19 (K) A violation of paragraph (10) is a Class 4
20 felony when the damage to property does not exceed
21 \$500.

22 (L) A violation of paragraph (10) is a Class 3
23 felony when the damage to property exceeds \$500 but
24 does not exceed \$10,000.

25 (M) A violation of paragraph (10) is a Class 2
26 felony when the damage to property exceeds \$10,000.

1 (1.5) A person may be liable in a civil action for
2 money damages to the owner of the critical infrastructure
3 facility for any damage resulting from a violation of
4 paragraph (10). A person may also be liable to the owner
5 for court costs and reasonable attorney's fees resulting
6 from a violation of paragraph (10).

7 (2) When the damage to property exceeds \$10,000, the
8 court shall impose upon the offender a fine equal to the
9 value of the damages to the property.

10 (3) In addition to any other sentence that may be
11 imposed, a court shall order any person convicted of
12 criminal damage to property to perform community service
13 for not less than 30 and not more than 120 hours, if
14 community service is available in the jurisdiction and is
15 funded and approved by the county board of the county where
16 the offense was committed. In addition, whenever any person
17 is placed on supervision for an alleged offense under this
18 Section, the supervision shall be conditioned upon the
19 performance of the community service.

20 The community service requirement does not apply when
21 the court imposes a sentence of incarceration.

22 (4) In addition to any criminal penalties imposed for a
23 violation of this Section, if a person is convicted of or
24 placed on supervision for knowingly damaging or destroying
25 crops of another, including crops intended for personal,
26 commercial, research, or developmental purposes, the

1 person is liable in a civil action to the owner of any
2 crops damaged or destroyed for money damages up to twice
3 the market value of the crops damaged or destroyed.

4 (5) For the purposes of this subsection (d), "farm
5 equipment" means machinery or other equipment used in
6 farming.

7 (Source: P.A. 98-315, eff. 1-1-14; 99-631, eff. 1-1-17.)

8 (720 ILCS 5/21-8)

9 Sec. 21-8. Criminal trespass to a critical infrastructure
10 ~~nuclear~~ facility.

11 (a) A person commits criminal trespass to a critical
12 infrastructure ~~nuclear~~ facility when he or she intentionally
13 ~~knowingly~~ and without lawful authority, and with intent to
14 damage, destroy, or tamper with equipment of the facility:

15 (1) enters or remains within a critical infrastructure
16 ~~nuclear~~ facility or on the grounds of a critical
17 infrastructure ~~nuclear~~ facility, after receiving notice
18 before entry that entry to the critical infrastructure
19 ~~nuclear~~ facility is forbidden;

20 (2) remains within the critical infrastructure
21 facility or on the grounds of the facility after receiving
22 notice from the owner or manager of the facility or other
23 person authorized by the owner or manager of the facility
24 to give that notice to depart from the facility or grounds
25 of the facility; or

1 (3) enters or remains within a critical infrastructure
2 ~~nuclear~~ facility or on the grounds of a critical
3 infrastructure nuclear facility, by presenting false
4 documents or falsely representing his or her identity
5 orally to the owner or manager of the facility. This
6 paragraph (3) does not apply to a peace officer or other
7 official of a unit of government who enters or remains in
8 the facility in the performance of his or her official
9 duties.

10 (a-5) In this Section, "with intent to damage, destroy, or
11 tamper with equipment of the facility" means actions that
12 create a serious risk for loss of human life, serious risk of
13 harm to public health, or a serious risk of significant damage
14 to the environment.

15 (b) A person has received notice from the owner or manager
16 of the facility or other person authorized by the owner or
17 manager of the facility within the meaning of paragraphs (1)
18 and (2) of subsection (a) if he or she has been notified
19 personally, either orally or in writing, or if a printed or
20 written notice forbidding the entry has been conspicuously
21 posted or exhibited at the main entrance to the facility or
22 grounds of the facility or the forbidden part of the facility.

23 (b-5) This Section does not apply to:

24 (1) any person or organization:

25 (i) monitoring or attentive to compliance with
26 public or worker safety laws, wage and hour

1 requirements, or other statutory requirements;

2 (ii) picketing occurring at the workplace that is
3 otherwise lawful and arises out of a bona fide labor
4 dispute including any controversy concerning wages,
5 salaries, hours, working conditions or benefits,
6 including health and welfare, sick leave, insurance,
7 and pension or retirement provisions, the managing or
8 maintenance of collective bargaining agreements, and
9 the terms to be included in those agreements; or

10 (iii) engaged in union organizing or recruitment
11 activities including attempting to reach workers
12 verbally, in writing with pamphlets and in the
13 investigation of non-union working conditions, or
14 both; or

15 (2) an exercise of the right of free speech or assembly
16 that is otherwise lawful. Nothing in this amendatory Act of
17 the 101st General Assembly shall be deemed to limit or
18 impede the right to free speech or assembly, including, but
19 not limited to, protesting and picketing.

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

23 (d) Sentence. Criminal trespass to a critical
24 infrastructure ~~nuclear~~ facility is a Class 4 felony punishable
25 by a fine of not less than \$1,000, imprisonment, or both.

26 (e) A person may also be liable in a civil action for money

1 damages to the owner of the critical infrastructure facility
2 for any damage to personal or real property of the facility
3 resulting from the trespass. A person may also be liable to the
4 owner for court costs and reasonable attorney's fees.

5 (Source: P.A. 97-1108, eff. 1-1-13.)".