



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0126

Introduced 1/7/2005, by Rep. Bill Mitchell

SYNOPSIS AS INTRODUCED:

720 ILCS 5/21-1
720 ILCS 5/21-3

from Ch. 38, par. 21-1
from Ch. 38, par. 21-3

Amends the Criminal Code of 1961. Provides heightened criminal penalties for criminal damage to farm equipment or immovable items of agricultural production, including but not limited to grain bins and barns. Provides that trespass on certain agricultural properties is a Class A misdemeanor (rather than a Class B misdemeanor) and provides that such trespass on or after September 1 but before November 1 is a Class 4 felony. Effective immediately.

LRB094 05518 RLC 35567 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 Sections 21-1 and 21-3 as follows:

6 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

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

8 (1) A person commits an illegal act when he:

9 (a) knowingly damages any property of another without
10 his consent; or

11 (b) recklessly by means of fire or explosive damages
12 property of another; or

13 (c) knowingly starts a fire on the land of another
14 without his consent; or

15 (d) knowingly injures a domestic animal of another
16 without his consent; or

17 (e) knowingly deposits on the land or in the building
18 of another, without his consent, any stink bomb or any
19 offensive smelling compound and thereby intends to
20 interfere with the use by another of the land or building;
21 or

22 (f) damages any property, other than as described in
23 subsection (b) of Section 20-1, with intent to defraud an
24 insurer; or

25 (g) knowingly shoots a firearm at any portion of a
26 railroad train.

27 When the charge of criminal damage to property exceeding a
28 specified value is brought, the extent of the damage is an
29 element of the offense to be resolved by the trier of fact as
30 either exceeding or not exceeding the specified value.

31 (2) The acts described in items (a), (b), (c), (e), and (f)
32 are Class A misdemeanors if the damage to property does not

1 exceed \$300. The acts described in items (a), (b), (c), (e),
2 and (f) are Class 4 felonies if the damage to property does not
3 exceed \$300 if the damage occurs to property of a school or
4 place of worship or to farm equipment or immovable items of
5 agricultural production, including but not limited to grain
6 bins and barns. The act described in item (d) is a Class 4
7 felony if the damage to property does not exceed \$10,000. The
8 act described in item (g) is a Class 4 felony. The acts
9 described in items (a), (b), (c), (e), and (f) are Class 4
10 felonies if the damage to property exceeds \$300 but does not
11 exceed \$10,000. The acts described in items (a) through (f) are
12 Class 3 felonies if the damage to property exceeds \$300 but
13 does not exceed \$10,000 if the damage occurs to property of a
14 school or place of worship or to farm equipment or immovable
15 items of agricultural production, including but not limited to
16 grain bins and barns. The acts described in items (a) through
17 (f) are Class 3 felonies if the damage to property exceeds
18 \$10,000 but does not exceed \$100,000. The acts described in
19 items (a) through (f) are Class 2 felonies if the damage to
20 property exceeds \$10,000 but does not exceed \$100,000 if the
21 damage occurs to property of a school or place of worship or to
22 farm equipment or immovable items of agricultural production,
23 including but not limited to grain bins and barns. The acts
24 described in items (a) through (f) are Class 2 felonies if the
25 damage to property exceeds \$100,000. The acts described in
26 items (a) through (f) are Class 1 felonies if the damage to
27 property exceeds \$100,000 and the damage occurs to property of
28 a school or place of worship or to farm equipment or immovable
29 items of agricultural production, including but not limited to
30 grain bins and barns. If the damage to property exceeds
31 \$10,000, the court shall impose upon the offender a fine equal
32 to the value of the damages to the property.

33 For the purposes of this subsection (2), "farm equipment"
34 means machinery or other equipment used in farming.

35 (3) In addition to any other sentence that may be imposed,
36 a court shall order any person convicted of criminal damage to

1 property to perform community service for not less than 30 and
2 not more than 120 hours, if community service is available in
3 the jurisdiction and is funded and approved by the county board
4 of the county where the offense was committed. In addition,
5 whenever any person is placed on supervision for an alleged
6 offense under this Section, the supervision shall be
7 conditioned upon the performance of the community service.

8 This subsection does not apply when the court imposes a
9 sentence of incarceration.

10 (Source: P.A. 91-360, eff. 7-29-99; 92-454, eff. 1-1-02.)

11 (720 ILCS 5/21-3) (from Ch. 38, par. 21-3)

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

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

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

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

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

21 ~~(4) enters upon one of the following areas in or on a~~
22 ~~motor vehicle (including an off-road vehicle, motorcycle,~~
23 ~~moped, or any other powered two-wheel vehicle), after~~
24 ~~receiving prior to that entry, notice from the owner or~~
25 ~~occupant that the entry is forbidden or remains upon or in~~
26 ~~the area after receiving notice from the owner or occupant~~
27 ~~to depart;~~

28 ~~(A) any field that is used for growing crops or~~
29 ~~which is capable of being used for growing crops; or~~

30 ~~(B) an enclosed area containing livestock; or~~

31 ~~(C) or an orchard; or~~

32 ~~(D) a barn or other agricultural building~~
33 ~~containing livestock;~~

34 commits a Class B misdemeanor.

35 For purposes of item (1) of this subsection, this Section

1 shall not apply to being in a building which is open to the
2 public while the building is open to the public during its
3 normal hours of operation; nor shall this Section apply to a
4 person who enters a public building under the reasonable belief
5 that the building is still open to the public.

6 (a-5) Except as otherwise provided in this subsection,
7 whoever enters upon any of the following areas in or on a motor
8 vehicle (including an off-road vehicle, motorcycle, moped, or
9 any other powered two-wheel vehicle) after receiving, prior to
10 that entry, notice from the owner or occupant that the entry is
11 forbidden or remains upon or in the area after receiving notice
12 from the owner or occupant to depart commits a Class A
13 misdemeanor:

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

16 (2) An enclosed area containing livestock.

17 (3) An orchard.

18 (4) A barn or other agricultural building containing
19 livestock.

20 Whoever commits the offense described in this subsection on
21 or after September 1 but before November 1 commits a Class 4
22 felony.

23 (b) A person has received notice from the owner or occupant
24 within the meaning of Subsection (a) if he has been notified
25 personally, either orally or in writing including a valid court
26 order as defined by subsection (7) of Section 112A-3 of the
27 Code of Criminal Procedure of 1963 granting remedy (2) of
28 subsection (b) of Section 112A-14 of that Code, or if a printed
29 or written notice forbidding such entry has been conspicuously
30 posted or exhibited at the main entrance to such land or the
31 forbidden part thereof.

32 (c) This Section does not apply to any person, whether a
33 migrant worker or otherwise, living on the land with permission
34 of the owner or of his agent having apparent authority to hire
35 workers on such land and assign them living quarters or a place
36 of accommodations for living thereon, nor to anyone living on

1 such land at the request of, or by occupancy, leasing or other
2 agreement or arrangement with the owner or his agent, nor to
3 anyone invited by such migrant worker or other person so living
4 on such land to visit him at the place he is so living upon the
5 land.

6 (d) A person shall be exempt from prosecution under this
7 Section if he beautifies unoccupied and abandoned residential
8 and industrial properties located within any municipality. For
9 the purpose of this subsection, "unoccupied and abandoned
10 residential and industrial property" means any real estate (1)
11 in which the taxes have not been paid for a period of at least 2
12 years; and (2) which has been left unoccupied and abandoned for
13 a period of at least one year; and "beautifies" means to
14 landscape, clean up litter, or to repair dilapidated conditions
15 on or to board up windows and doors.

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

20 (f) This Section does not prohibit a person from entering a
21 building or upon the land of another for emergency purposes.
22 For purposes of this subsection (f), "emergency" means a
23 condition or circumstance in which an individual is or is
24 reasonably believed by the person to be in imminent danger of
25 serious bodily harm or in which property is or is reasonably
26 believed to be in imminent danger of damage or destruction.

27 (Source: P.A. 89-346, eff. 1-1-96; 89-373, eff. 1-1-96; 89-626,
28 eff. 8-9-96; 90-419, eff. 8-15-97.)

29 Section 99. Effective date. This Act takes effect upon
30 becoming law.