



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4020

Introduced 2/28/2005, by Rep. Ed Sullivan, Jr.

SYNOPSIS AS INTRODUCED:

720 ILCS 5/21-3

from Ch. 38, par. 21-3

Amends the Criminal Code of 1961. Provides that a person may be liable in any civil action for money damages to the owner of the land he or she entered upon with a motor vehicle. Provides the measure of damages an owner may recover. Provides that if the person operating the vehicle is under the age of 16, the owner of the vehicle and the parent or legal guardian of the minor are jointly and severally liable. Defines "land", "owner", and "vehicle".

LRB094 11531 RXD 42500 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) 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 (4) enters upon one of the following areas in or on a
17 motor vehicle (including an off-road vehicle, motorcycle,
18 moped, or any other powered two-wheel vehicle), after
19 receiving prior to that entry, notice from the owner or
20 occupant that the entry is forbidden or remains upon or in
21 the area after receiving notice from the owner or occupant
22 to depart:

23 (A) any field that is used for growing crops or
24 which is capable of being used for growing crops; or

25 (B) an enclosed area containing livestock; or

26 (C) or an orchard; or

27 (D) a barn or other agricultural building
28 containing livestock;

29 commits a Class B misdemeanor.

30 For purposes of item (1) of this subsection, this Section
31 shall not apply to being in a building which is open to the
32 public while the building is open to the public during its

1 normal hours of operation; nor shall this Section apply to a
2 person who enters a public building under the reasonable belief
3 that the building is still open to the public.

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

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

23 (d) A person shall be exempt from prosecution under this
24 Section if he beautifies unoccupied and abandoned residential
25 and industrial properties located within any municipality. For
26 the purpose of this subsection, "unoccupied and abandoned
27 residential and industrial property" means any real estate (1)
28 in which the taxes have not been paid for a period of at least 2
29 years; and (2) which has been left unoccupied and abandoned for
30 a period of at least one year; and "beautifies" means to
31 landscape, clean up litter, or to repair dilapidated conditions
32 on or to board up windows and doors.

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

1 (f) This Section does not prohibit a person from entering a
2 building or upon the land of another for emergency purposes.
3 For purposes of this subsection (f), "emergency" means a
4 condition or circumstance in which an individual is or is
5 reasonably believed by the person to be in imminent danger of
6 serious bodily harm or in which property is or is reasonably
7 believed to be in imminent danger of damage or destruction.

8 (g) A person may be liable in any civil action for money
9 damages to the owner of the land he or she entered upon with a
10 motor vehicle as prohibited under paragraph (4) of subsection
11 (a) of this Section. A person may also be liable to the owner
12 for court costs and reasonable attorney's fees. The measure of
13 damages shall be: (i) the actual damages, but not less than
14 \$250, if the vehicle is operated in a nature preserve or
15 registered area as defined in Sections 3.11 and 3.14 of the
16 Illinois Natural Areas Preservation Act; (ii) twice the actual
17 damages if the owner has previously notified the person to
18 cease trespassing; or (iii) in any other case, the actual
19 damages, but not less than \$50. If the person operating the
20 vehicle is under the age of 16, the owner of the vehicle and
21 the parent or legal guardian of the minor are jointly and
22 severally liable. For the purposes of this subsection (g):

23 "Land" includes, but is not limited to, land used for
24 crop land, fallow land, orchard, pasture, feed lot, timber
25 land, prairie land, mine spoil nature preserves and
26 registered areas. "Land" does not include driveways or
27 private roadways upon which the owner allows the public to
28 drive.

29 "Owner" means the person who has the right to
30 possession of land, including the owner, operator or
31 tenant.

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

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