



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0444

Introduced 1/26/2007, by Rep. Dennis M. Reboletti - Franco Coladipietro - Ruth Munson

SYNOPSIS AS INTRODUCED:

720 ILCS 5/21-1

from Ch. 38, par. 21-1

Amends the Criminal Code of 1961 relating to criminal damage to property. Enhances the penalties for criminal damage to property by one class if the property damaged is property of a law enforcement agency used for the enforcement of the criminal and traffic laws and ordinances of this State or a unit of local government.

LRB095 03712 RLC 23739 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 1961 is amended by changing
5 Section 21-1 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

1 insurer; or

2 (g) knowingly shoots a firearm at any portion of a
3 railroad train.

4 When the charge of criminal damage to property exceeding a
5 specified value is brought, the extent of the damage is an
6 element of the offense to be resolved by the trier of fact as
7 either exceeding or not exceeding the specified value.

8 (2) The acts described in items (a), (b), (c), (e), and (f)
9 are Class A misdemeanors if the damage to property does not
10 exceed \$300. The acts described in items (a), (b), (c), (e),
11 and (f) are Class 4 felonies if the damage to property does not
12 exceed \$300 if the damage occurs to property of a law
13 enforcement agency used for the enforcement of the criminal and
14 traffic laws and ordinances of this State or a unit of local
15 government or a school or place of worship or to farm equipment
16 or immovable items of agricultural production, including but
17 not limited to grain elevators, grain bins, and barns. The act
18 described in item (d) is a Class 4 felony if the damage to
19 property does not exceed \$10,000. The act described in item (g)
20 is a Class 4 felony. The acts described in items (a), (b), (c),
21 (e), and (f) are Class 4 felonies if the damage to property
22 exceeds \$300 but does not exceed \$10,000. The acts described in
23 items (a) through (f) are Class 3 felonies if the damage to
24 property exceeds \$300 but does not exceed \$10,000 if the damage
25 occurs to property of a law enforcement agency used for the
26 enforcement of the criminal and traffic laws and ordinances of

1 this State or a unit of local government or a school or place
2 of worship or to farm equipment or immovable items of
3 agricultural production, including but not limited to grain
4 elevators, grain bins, and barns. The acts described in items
5 (a) through (f) are Class 3 felonies if the damage to property
6 exceeds \$10,000 but does not exceed \$100,000. The acts
7 described in items (a) through (f) are Class 2 felonies if the
8 damage to property exceeds \$10,000 but does not exceed \$100,000
9 if the damage occurs to property of a law enforcement agency
10 used for the enforcement of the criminal and traffic laws and
11 ordinances of this State or a unit of local government or a
12 school or place of worship or to farm equipment or immovable
13 items of agricultural production, including but not limited to
14 grain elevators, grain bins, and barns. The acts described in
15 items (a) through (f) are Class 2 felonies if the damage to
16 property exceeds \$100,000. The acts described in items (a)
17 through (f) are Class 1 felonies if the damage to property
18 exceeds \$100,000 and the damage occurs to property of a law
19 enforcement agency used for the enforcement of the criminal and
20 traffic laws and ordinances of this State or a unit of local
21 government or a school or place of worship or to farm equipment
22 or immovable items of agricultural production, including but
23 not limited to grain elevators, grain bins, and barns. If the
24 damage to property exceeds \$10,000, the court shall impose upon
25 the offender a fine equal to the value of the damages to the
26 property.

1 For the purposes of this subsection (2), "farm equipment"
2 means machinery or other equipment used in farming and
3 "property of a law enforcement agency used for the enforcement
4 of the criminal and traffic laws and ordinances of this State
5 or a unit of local government" includes, but is not limited to,
6 a police vehicle, police dog or horse, or police surveillance
7 equipment or any other equipment used by a law enforcement
8 agency of this State or a unit of local government for the
9 enforcement of the criminal and traffic laws or ordinances of
10 this State or a unit of local government.

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

20 This subsection does not apply when the court imposes a
21 sentence of incarceration.

22 (Source: P.A. 94-509, eff. 8-9-05.)