

HB0010



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0010

Introduced 1/14/2009, by Rep. Daniel V. Beiser

SYNOPSIS AS INTRODUCED:

720 ILCS 5/2-5.1 new

720 ILCS 5/18-1

720 ILCS 5/19-1

from Ch. 38, par. 18-1

from Ch. 38, par. 19-1

Amends the Criminal Code of 1961. Defines "day care center". Provides that the penalty for a robbery or burglary committed in a day care center is a Class 1 (rather than a Class 2) felony. Provides that for the penalty for a robbery or burglary committed in a day care center, the time of day, time of year, and whether children under 18 years of age were present in the day care center at the time of the offense are irrelevant.

LRB096 01961 RLC 11970 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 Sections 18-1 and 19-1 and by adding Section 2-5.1 as follows:

6 (720 ILCS 5/2-5.1 new)

7 Sec. 2-5.1. Day care center. "Day care center" has the
8 meaning ascribed to it in Section 2.09 of the Child Care Act of
9 1969.

10 (720 ILCS 5/18-1) (from Ch. 38, par. 18-1)

11 Sec. 18-1. Robbery.

12 (a) A person commits robbery when he or she takes property,
13 except a motor vehicle covered by Section 18-3 or 18-4, from
14 the person or presence of another by the use of force or by
15 threatening the imminent use of force.

16 (b) Sentence.

17 Robbery is a Class 2 felony. However, if the victim is 60
18 years of age or over or is a physically handicapped person, or
19 if the robbery is committed in a school, day care center, or
20 place of worship, robbery is a Class 1 felony.

21 (c) Regarding penalties prescribed in subsection (b) for
22 violations committed in a day care center, the time of day,

1 time of year, and whether children under 18 years of age were
2 present in the day care center at the time of the offense are
3 irrelevant.

4 (Source: P.A. 91-360, eff. 7-29-99.)

5 (720 ILCS 5/19-1) (from Ch. 38, par. 19-1)

6 Sec. 19-1. Burglary.

7 (a) A person commits burglary when without authority he
8 knowingly enters or without authority remains within a
9 building, housetrailer, watercraft, aircraft, motor vehicle as
10 defined in the Illinois Vehicle Code, railroad car, or any part
11 thereof, with intent to commit therein a felony or theft. This
12 offense shall not include the offenses set out in Section 4-102
13 of the Illinois Vehicle Code.

14 (b) Sentence.

15 Burglary is a Class 2 felony. A burglary committed in a
16 school, day care center, or place of worship is a Class 1
17 felony.

18 (c) Regarding penalties prescribed in subsection (b) for
19 violations committed in a day care center, the time of day,
20 time of year, and whether children under 18 years of age were
21 present in the day care center at the time of the offense are
22 irrelevant.

23 (Source: P.A. 91-360, eff. 7-29-99; 91-928, eff. 6-1-01.)