

# HB4395



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

**HB4395**

Introduced 1/30/2012, by Rep. Michael J. Madigan

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/21-1.2

from Ch. 38, par. 21-1.2

Amends the Criminal Code of 1961. Makes a technical change in a Section concerning the offense of institutional vandalism.

LRB097 15387 RLC 60487 b

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 21-1.2 as follows:

6 (720 ILCS 5/21-1.2) (from Ch. 38, par. 21-1.2)

7 Sec. 21-1.2. Institutional vandalism.

8 (a) A person commits institutional vandalism when, by  
9 reason of the ~~the~~ actual or perceived race, color, creed,  
10 religion or national origin of another individual or group of  
11 individuals, regardless of the existence of any other  
12 motivating factor or factors, he or she knowingly and without  
13 consent inflicts damage to any of the following properties:

14 (1) A church, synagogue, mosque, or other building,  
15 structure or place used for religious worship or other  
16 religious purpose;

17 (2) A cemetery, mortuary, or other facility used for  
18 the purpose of burial or memorializing the dead;

19 (3) A school, educational facility or community  
20 center;

21 (4) The grounds adjacent to, and owned or rented by,  
22 any institution, facility, building, structure or place  
23 described in paragraphs (1), (2) or (3) of this subsection

1 (a); or

2 (5) Any personal property contained in any  
3 institution, facility, building, structure or place  
4 described in paragraphs (1), (2) or (3) of this subsection  
5 (a).

6 (b) Institutional vandalism is a Class 3 felony if the  
7 damage to the property does not exceed \$300. Institutional  
8 vandalism is a Class 2 felony if the damage to the property  
9 exceeds \$300. Institutional vandalism is a Class 2 felony for  
10 any second or subsequent offense.

11 (b-5) Upon imposition of any sentence, the trial court  
12 shall also either order restitution paid to the victim or  
13 impose a fine up to \$1,000. In addition, any order of probation  
14 or conditional discharge entered following a conviction or an  
15 adjudication of delinquency shall include a condition that the  
16 offender perform public or community service of no less than  
17 200 hours if that service is established in the county where  
18 the offender was convicted of institutional vandalism. The  
19 court may also impose any other condition of probation or  
20 conditional discharge under this Section.

21 (c) Independent of any criminal prosecution or the result  
22 of that prosecution, a person suffering damage to property or  
23 injury to his or her person as a result of institutional  
24 vandalism may bring a civil action for damages, injunction or  
25 other appropriate relief. The court may award actual damages,  
26 including damages for emotional distress, or punitive damages.

1 A judgment may include attorney's fees and costs. The parents  
2 or legal guardians of an unemancipated minor, other than  
3 guardians appointed under the Juvenile Court Act or the  
4 Juvenile Court Act of 1987, shall be liable for the amount of  
5 any judgment for actual damages rendered against the minor  
6 under this subsection in an amount not exceeding the amount  
7 provided under Section 5 of the Parental Responsibility Law.

8 (Source: P.A. 92-830, eff. 1-1-03.)