



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4452

Introduced 1/30/2012, by Rep. Daniel V. Beiser

SYNOPSIS AS INTRODUCED:

720 ILCS 5/16-1.4 new

Amends the Criminal Code of 1961. Creates the offense of possession or transportation of stolen ferrous or nonferrous metal, including but not limited to copper, HVAC components, and catalytic converters. Provides penalties from a Class C misdemeanor to a Class 2 felony. Makes it unlawful to cut, mutilate, deface, or otherwise injure personal or real property for the purpose of obtaining ferrous or nonferrous metal. Provides penalties of a Class 4 or Class 3 felony depending on the value of the property damage involved. A violation that results in disruption of communication or electrical service to critical infrastructure or for more than 10 customers of the service is a Class A misdemeanor. A violation of any provision that results in great bodily harm, permanent disability, disfigurement, or substantial risk of death to another is a Class 1 felony. A violation of any provision that results the death of another is a Class X felony. Provides exemption from civil liability for public or private owners to a person injured during or by a dangerous condition created in an offense or an attempted offense under this Section.

LRB097 16480 MRW 61648 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 adding
5 Section 16-1.4 as follows:

6 (720 ILCS 5/16-1.4 new)

7 Sec. 16-1.4. Possession or transportation of stolen
8 ferrous or nonferrous metal; property damage caused by
9 obtaining ferrous or nonferrous metal; disruption of service.

10 (a) Possession or transportation of stolen ferrous or
11 nonferrous metal.

12 (1) A person commits possession or transportation of
13 ferrous or nonferrous metal when he or she possesses,
14 possesses in a vehicle, or transports in a vehicle stolen
15 ferrous or nonferrous metal, including but not limited to
16 copper, HVAC (heating, ventilation, air-conditioning)
17 components, and catalytic converters.

18 (2) A person commits possession or transportation of
19 ferrous or nonferrous metal when he or she:

20 (A) transports in a vehicle ferrous or nonferrous
21 metal that the person knows or reasonably should know
22 is stolen;

23 (B) possesses in a vehicle on the highways of this

1 State ferrous or nonferrous metal that the person knows
2 or reasonably should know is stolen;

3 (C) operates a vehicle used in the ordinary course
4 of business to transport ferrous or nonferrous metal
5 that the person knows or reasonably should know is
6 stolen;

7 (D) presents a valid or falsified permit to
8 transport and sell ferrous or nonferrous metal that the
9 person knows or reasonably should know is stolen; or

10 (E) presents a valid or falsified bill of sale for
11 ferrous or nonferrous metal that the person knows or
12 reasonably should know is stolen.

13 (b) Property damage caused by obtaining ferrous or
14 nonferrous metal. A person commits property damage caused by
15 obtaining ferrous or nonferrous metal when he or she knowingly
16 cuts, mutilates, defaces, or otherwise injures any personal or
17 real property, including any fixtures or improvements, for the
18 purpose of obtaining ferrous or nonferrous metal in any amount.

19 (c) Disruption of service. A person commits disruption of
20 service when he or she during the commission of the offense of
21 possession or transportation of stolen ferrous or nonferrous
22 metal or the offense of property damage caused by obtaining
23 ferrous or nonferrous metal, he or she causes a disruption of
24 communication or electrical service to critical infrastructure
25 or to more than 10 customers of the communication or electrical
26 service.

1 (d) Exemption from civil liability.

2 (1) A public or private owner of personal or real
3 property is not civilly liable to a person who is injured
4 during the commission or attempted commission of an offense
5 under this Section, by the person or a third party.

6 (2) A public or private owner of personal or real
7 property is not civilly liable for an injury to a person
8 caused by a dangerous condition of the personal property or
9 on the real property created as a result of the commission
10 or attempted commission of an offense under this Section by
11 the person or a third party, unless the owner of the
12 personal or real property knew or reasonably should have
13 known of the dangerous condition.

14 (3) This subsection does not create or impose a duty of
15 care or basis of liability upon an owner of personal or
16 real property that would not otherwise exist under common
17 law or statute.

18 (e) Sentence.

19 (1) Except as provided in paragraphs (6) and (7) of
20 this subsection, a violation of paragraph (a)(1) when the
21 value of the stolen material is \$50 or less is:

22 (A) a Class C misdemeanor for a first offense;

23 (B) a Class A misdemeanor for a second offense; and

24 (C) a Class 4 felony for a third or subsequent
25 offense.

26 (2) Except as provided in paragraphs (6) and (7) of

1 this subsection, a violation of paragraph (a)(1) when the
2 value of the stolen material is more than \$50 is:

3 (A) a Class A misdemeanor for a first offense;

4 (B) a Class 4 felony for a second offense; and

5 (C) a Class 3 felony for a third or subsequent
6 offense.

7 (3) Except as provided in paragraphs (6) and (7) of
8 this subsection, a violation of paragraph (a)(2) is a Class
9 2 felony.

10 (4) Except as provided in paragraphs (6) and (7) of
11 this subsection, a violation of subsection (b) is:

12 (A) a Class 4 felony, if the direct injury to the
13 property, the amount of loss in value to the property,
14 the amount of repairs necessary to return the property
15 to its condition before the act, or the property loss,
16 including fixtures or improvements, is less than
17 \$5,000; and

18 (B) a Class 3 felony, if the direct injury to the
19 property, the amount of loss in value to the property,
20 the amount of repairs necessary to return the property
21 to its condition before the act, or the property loss,
22 including fixtures or improvements, is \$5,000 or more.

23 (5) Except as provided in paragraphs (6) and (7) of
24 this subsection, a violation of subsection (c) is a Class A
25 misdemeanor.

26 (6) A violation of this Section which results in great

1 bodily harm, permanent disability, disfigurement, or a
2 substantial risk of death to another person is a Class 1
3 felony.

4 (7) A violation of this Section which results in the
5 death of another person is a Class X felony.