



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1554

Introduced 2/9/2011, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

720 ILCS 5/21-3

from Ch. 38, par. 21-3

Amends the Criminal Code of 1961. Provides that the statute concerning criminal trespass to real property does not apply to the following persons while serving process: (1) civilian employees of the office of the county sheriff; (2) licensed private detectives under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004; or (3) registered employees of a private detective agency under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Effective immediately.

LRB097 05310 RLC 45365 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) Except as provided in subsection (a-5), 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 (3.5) presents false documents or falsely represents
17 his or her identity orally to the owner or occupant of a
18 building or land in order to obtain permission from the
19 owner or occupant to enter or remain in the building or on
20 the land;

21 commits a Class B misdemeanor.

22 For purposes of item (1) of this subsection, this Section
23 shall not apply to being in a building which is open to the

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

5 (a-5) Except as otherwise provided in this subsection,
6 whoever enters upon any of the following areas in or on a motor
7 vehicle (including an off-road vehicle, motorcycle, moped, or
8 any other powered two-wheel vehicle) after receiving, prior to
9 that entry, notice from the owner or occupant that the entry is
10 forbidden or remains upon or in the area after receiving notice
11 from the owner or occupant to depart commits a Class A
12 misdemeanor:

13 (1) A field that is used for growing crops or that is
14 capable of being used for growing crops.

15 (2) An enclosed area containing livestock.

16 (3) An orchard.

17 (4) A barn or other agricultural building containing
18 livestock.

19 (b) A person has received notice from the owner or occupant
20 within the meaning of Subsection (a) if he has been notified
21 personally, either orally or in writing including a valid court
22 order as defined by subsection (7) of Section 112A-3 of the
23 Code of Criminal Procedure of 1963 granting remedy (2) of
24 subsection (b) of Section 112A-14 of that Code, or if a printed
25 or written notice forbidding such entry has been conspicuously
26 posted or exhibited at the main entrance to such land or the

1 forbidden part thereof.

2 (c) This Section does not apply to any person, whether a
3 migrant worker or otherwise, living on the land with permission
4 of the owner or of his agent having apparent authority to hire
5 workers on such land and assign them living quarters or a place
6 of accommodations for living thereon, nor to anyone living on
7 such land at the request of, or by occupancy, leasing or other
8 agreement or arrangement with the owner or his agent, nor to
9 anyone invited by such migrant worker or other person so living
10 on such land to visit him at the place he is so living upon the
11 land.

12 (d) A person shall be exempt from prosecution under this
13 Section if he beautifies unoccupied and abandoned residential
14 and industrial properties located within any municipality. For
15 the purpose of this subsection, "unoccupied and abandoned
16 residential and industrial property" means any real estate (1)
17 in which the taxes have not been paid for a period of at least 2
18 years; and (2) which has been left unoccupied and abandoned for
19 a period of at least one year; and "beautifies" means to
20 landscape, clean up litter, or to repair dilapidated conditions
21 on or to board up windows and doors.

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

26 (f) This Section does not prohibit a person from entering a

1 building or upon the land of another for emergency purposes.
2 For purposes of this subsection (f), "emergency" means a
3 condition or circumstance in which an individual is or is
4 reasonably believed by the person to be in imminent danger of
5 serious bodily harm or in which property is or is reasonably
6 believed to be in imminent danger of damage or destruction.

7 (g) Paragraph (3.5) of subsection (a) does not apply to a
8 peace officer or other official of a unit of government who
9 enters a building or land in the performance of his or her
10 official duties.

11 (h) A person may be liable in any civil action for money
12 damages to the owner of the land he or she entered upon with a
13 motor vehicle as prohibited under subsection (a-5) of this
14 Section. A person may also be liable to the owner for court
15 costs and reasonable attorney's fees. The measure of damages
16 shall be: (i) the actual damages, but not less than \$250, if
17 the vehicle is operated in a nature preserve or registered area
18 as defined in Sections 3.11 and 3.14 of the Illinois Natural
19 Areas Preservation Act; (ii) twice the actual damages if the
20 owner has previously notified the person to cease trespassing;
21 or (iii) in any other case, the actual damages, but not less
22 than \$50. If the person operating the vehicle is under the age
23 of 16, the owner of the vehicle and the parent or legal
24 guardian of the minor are jointly and severally liable. For the
25 purposes of this subsection (h):

26 "Land" includes, but is not limited to, land used for

1 crop land, fallow land, orchard, pasture, feed lot, timber
2 land, prairie land, mine spoil nature preserves and
3 registered areas. "Land" does not include driveways or
4 private roadways upon which the owner allows the public to
5 drive.

6 "Owner" means the person who has the right to
7 possession of the land, including the owner, operator or
8 tenant.

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

11 (i) This Section does not apply to the following persons
12 while serving process:

13 (1) civilian employees of the office of the county
14 sheriff;

15 (2) licensed private detectives under the Private
16 Detective, Private Alarm, Private Security, Fingerprint
17 Vendor, and Locksmith Act of 2004; or

18 (3) registered employees of a private detective agency
19 under the Private Detective, Private Alarm, Private
20 Security, Fingerprint Vendor, and Locksmith Act of 2004.

21 (Source: P.A. 94-263, eff. 1-1-06; 94-509, eff. 8-9-05; 94-512,
22 eff. 1-1-06; 95-331, eff. 8-21-07.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.