

# HB4961



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB4961**

by Rep. Litesa E. Wallace

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/21-1.3

Amends the Criminal Code of 2012. Provides that criminal defacement of property is a Class 3 (rather than a Class 4) felony when the aggregate value of the damage to property does not exceed \$500 and the property damaged is a place of worship. Criminal defacement of property is a Class 2 (rather than a Class 3) felony when the aggregate value of the damage to property exceeds \$500 and the property damaged is a place of worship.

LRB100 16852 RLC 31993 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 2012 is amended by changing  
5 Section 21-1.3 as follows:

6 (720 ILCS 5/21-1.3)

7 Sec. 21-1.3. Criminal defacement of property.

8 (a) A person commits criminal defacement of property when  
9 the person knowingly damages the property of another by  
10 defacing, deforming, or otherwise damaging the property by the  
11 use of paint or any other similar substance, or by the use of a  
12 writing instrument, etching tool, or any other similar device.  
13 It is an affirmative defense to a violation of this Section  
14 that the owner of the property damaged consented to such  
15 damage.

16 (b) Sentence.

17 (1) Criminal defacement of property is a Class A  
18 misdemeanor for a first offense when the aggregate value of the  
19 damage to the property does not exceed \$500. Criminal  
20 defacement of property is a Class 4 felony when the aggregate  
21 value of the damage to property does not exceed \$500 and the  
22 property damaged is a school building ~~or place of worship~~ or  
23 property which memorializes or honors an individual or group of

1 police officers, fire fighters, members of the United States  
2 Armed Forces or National Guard, or veterans. Criminal  
3 defacement of property, other than when the property damaged is  
4 a school building, place of worship, or property which  
5 memorializes or honors an individual or group of police  
6 officers, fire fighters, members of the United States Armed  
7 Forces or National Guard, or veterans is a Class 4 felony for a  
8 second or subsequent conviction or when the aggregate value of  
9 the damage to the property exceeds \$500. Criminal defacement of  
10 property is a Class 3 felony when the aggregate value of the  
11 damage to property exceeds \$500 and the property damaged is a  
12 school building ~~or place of worship~~ or property which  
13 memorializes or honors an individual or group of police  
14 officers, fire fighters, members of the United States Armed  
15 Forces or National Guard, or veterans. Criminal defacement of  
16 property is a Class 3 felony when the aggregate value of the  
17 damage to property does not exceed \$500 and the property  
18 damaged is a place of worship. Criminal defacement of property  
19 is a Class 2 felony when the aggregate value of the damage to  
20 property exceeds \$500 and the property damaged is a place of  
21 worship.

22 (2) In addition to any other sentence that may be imposed  
23 for a violation of this Section, a person convicted of criminal  
24 defacement of property shall:

25 (A) pay the actual costs incurred by the property owner  
26 or the unit of government to abate, remediate, repair, or

1           remove the effect of the damage to the property. To the  
2           extent permitted by law, reimbursement for the costs of  
3           abatement, remediation, repair, or removal shall be  
4           payable to the person who incurred the costs; and

5           (B) if convicted of criminal defacement of property  
6           that is chargeable as a Class 3 or Class 4 felony, pay a  
7           mandatory minimum fine of \$500.

8           (3) In addition to any other sentence that may be imposed,  
9           a court shall order any person convicted of criminal defacement  
10          of property to perform community service for not less than 30  
11          and not more than 120 hours, if community service is available  
12          in the jurisdiction. The community service shall include, but  
13          need not be limited to, the cleanup and repair of the damage to  
14          property that was caused by the offense, or similar damage to  
15          property located in the municipality or county in which the  
16          offense occurred. When the property damaged is a school  
17          building, the community service may include cleanup, removal,  
18          or painting over the defacement. In addition, whenever any  
19          person is placed on supervision for an alleged offense under  
20          this Section, the supervision shall be conditioned upon the  
21          performance of the community service.

22          (4) For the purposes of this subsection (b), aggregate  
23          value shall be determined by adding the value of the damage to  
24          one or more properties if the offenses were committed as part  
25          of a single course of conduct.

26          (Source: P.A. 98-315, eff. 1-1-14; 98-466, eff. 8-16-13;

1 98-756, eff. 7-16-14; 99-631, eff. 1-1-17.)