



Rep. Jay Hoffman

Filed: 3/13/2019

10100HB1633ham001

LRB101 07428 SLF 57739 a

1 AMENDMENT TO HOUSE BILL 1633

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1633 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by  
5 changing Sections 8-2 and 21-8 and by adding Sections 2-5.05  
6 and 21-1.05 as follows:

7 (720 ILCS 5/2-5.05 new)

8 Sec. 2-5.05. Critical infrastructure facility.

9 "Critical infrastructure facility" means:

10 (1) any one of the following, if completely enclosed by  
11 a fence or other physical barrier that is obviously  
12 designed to exclude intruders, or if clearly marked with a  
13 sign or signs that are posted on the property that are  
14 reasonably likely to come to the attention of intruders and  
15 indicate that entry is forbidden without site  
16 authorization:

1           (A) petroleum or alumina refinery;

2           (B) electrical power generating facility,  
3           substation, switching station, electrical control  
4           center, or electric power lines, and associated  
5           equipment infrastructure;

6           (C) chemical, polymer, or rubber manufacturing  
7           facility;

8           (D) water intake structure, water treatment  
9           facility, wastewater treatment plant, or pump station;

10          (E) natural gas compressor station;

11          (F) liquid natural gas terminal or storage  
12          facility;

13          (G) telecommunications central switching office;

14          (H) wireless telecommunications infrastructure,  
15          including cell towers, telephone poles and lines,  
16          including fiber optic lines;

17          (I) port, railroad switching yard, railroad  
18          tracks, trucking terminal, or other freight  
19          transportation facility;

20          (J) gas processing plant, including a plant used in  
21          the processing, treatment or fractionation of natural  
22          gas or natural gas liquids;

23          (K) transmission facility used by a federally  
24          licensed radio or television station;

25          (L) steelmaking facility;

26          (M) facility identified and regulated by the

1 United States Department of Homeland Security Chemical  
2 Facility Anti-Terrorism Standards (CFATS) program;

3 (N) dam that is regulated by the State or federal  
4 government;

5 (O) natural gas distribution utility facility  
6 including, but not limited to, pipeline  
7 interconnections, a city gate or town border station,  
8 metering station, aboveground piping, regulator  
9 station, or natural gas storage facility;

10 (P) crude oil or refined products storage and  
11 distribution facility including, but not limited to,  
12 valve sites, pipeline interconnections, pump station,  
13 metering station, below or aboveground pipeline or  
14 piping, or truck loading or off-loading facility;

15 (Q) nuclear facility as defined in Section 3 of the  
16 Illinois Nuclear Safety Preparedness Act;

17 (R) facility of the United States Department of  
18 Defense for which the State has concurrent  
19 jurisdiction;

20 (S) military base of the United States Armed  
21 Forces, including a National Guard base, for which the  
22 State has concurrent or exclusive jurisdiction;

23 (T) coal mines; or

24 (U) any mining operation, including any processing  
25 equipment, batching operation, or support facility for  
26 that mining operation; or

1           (2) any aboveground portion of an oil, gas, hazardous  
2           liquid or chemical pipeline, tank, railroad facility, or  
3           other storage facility that is enclosed by a fence, other  
4           physical barrier, or is clearly marked with signs  
5           prohibiting trespassing, that are obviously designed to  
6           exclude intruders.

7           (720 ILCS 5/8-2) (from Ch. 38, par. 8-2)

8           Sec. 8-2. Conspiracy.

9           (a) Elements of the offense. A person commits the offense  
10          of conspiracy when, with intent that an offense be committed,  
11          he or she agrees with another to the commission of that  
12          offense. No person may be convicted of conspiracy to commit an  
13          offense unless an act in furtherance of that agreement is  
14          alleged and proved to have been committed by him or her or by a  
15          co-conspirator.

16          (b) Co-conspirators. It is not a defense to conspiracy that  
17          the person or persons with whom the accused is alleged to have  
18          conspired:

19                 (1) have not been prosecuted or convicted,

20                 (2) have been convicted of a different offense,

21                 (3) are not amenable to justice,

22                 (4) have been acquitted, or

23                 (5) lacked the capacity to commit an offense.

24          (c) Sentence.

25                 (1) Except as otherwise provided in this subsection or

1 Code, a person convicted of conspiracy to commit:

2 (A) a Class X felony shall be sentenced for a Class  
3 1 felony;

4 (B) a Class 1 felony shall be sentenced for a Class  
5 2 felony;

6 (C) a Class 2 felony shall be sentenced for a Class  
7 3 felony;

8 (D) a Class 3 felony shall be sentenced for a Class  
9 4 felony;

10 (E) a Class 4 felony shall be sentenced for a Class  
11 4 felony; and

12 (F) a misdemeanor may be fined or imprisoned or  
13 both not to exceed the maximum provided for the offense  
14 that is the object of the conspiracy.

15 (2) A person convicted of conspiracy to commit any of  
16 the following offenses shall be sentenced for a Class X  
17 felony:

18 (A) aggravated insurance fraud conspiracy when the  
19 person is an organizer of the conspiracy (720 ILCS  
20 5/46-4); or

21 (B) aggravated governmental entity insurance fraud  
22 conspiracy when the person is an organizer of the  
23 conspiracy (720 ILCS 5/46-4).

24 (3) A person convicted of conspiracy to commit any of  
25 the following offenses shall be sentenced for a Class 1  
26 felony:

1 (A) first degree murder (720 ILCS 5/9-1); or  
2 (B) aggravated insurance fraud (720 ILCS 5/46-3)  
3 or aggravated governmental insurance fraud (720 ILCS  
4 5/46-3).

5 (4) A person convicted of conspiracy to commit  
6 insurance fraud (720 ILCS 5/46-3) or governmental entity  
7 insurance fraud (720 ILCS 5/46-3) shall be sentenced for a  
8 Class 2 felony.

9 (5) A person convicted of conspiracy to commit any of  
10 the following offenses shall be sentenced for a Class 3  
11 felony:

12 (A) soliciting for a prostitute (720 ILCS  
13 5/11-14.3(a)(1));

14 (B) pandering (720 ILCS 5/11-14.3(a)(2)(A) or  
15 5/11-14.3(a)(2)(B));

16 (C) keeping a place of prostitution (720 ILCS  
17 5/11-14.3(a)(1));

18 (D) pimping (720 ILCS 5/11-14.3(a)(2)(C));

19 (E) unlawful use of weapons under Section  
20 24-1(a)(1) (720 ILCS 5/24-1(a)(1));

21 (F) unlawful use of weapons under Section  
22 24-1(a)(7) (720 ILCS 5/24-1(a)(7));

23 (G) gambling (720 ILCS 5/28-1);

24 (H) keeping a gambling place (720 ILCS 5/28-3);

25 (I) registration of federal gambling stamps  
26 violation (720 ILCS 5/28-4);

1 (J) look-alike substances violation (720 ILCS  
2 570/404);

3 (K) miscellaneous controlled substance violation  
4 under Section 406(b) (720 ILCS 570/406(b)); or

5 (L) an inchoate offense related to any of the  
6 principal offenses set forth in this item (5).

7 (6) A business, corporation, or organization convicted  
8 of conspiracy to commit criminal damage to a critical  
9 infrastructure facility, criminal trespass to a critical  
10 infrastructure facility, or aggravated criminal trespass  
11 to a critical infrastructure facility shall, in addition to  
12 any other applicable penalty, be sentenced to a fine of not  
13 less than 10 times the minimum fine authorized for the  
14 offense. A business, corporation, or organization may be  
15 liable for conspiracy to commit criminal damage to a  
16 critical infrastructure facility, criminal trespass to a  
17 critical infrastructure facility, or aggravated criminal  
18 trespass to a critical infrastructure facility if the  
19 business, corporation, or organization sponsors, funds, or  
20 pays for an individual who causes substantial harm through  
21 the commission of any of those offenses.

22 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, eff. 7-1-11.)

23 (720 ILCS 5/21-1.05 new)

24 Sec. 21-1.05. Criminal damage to a critical infrastructure  
25 facility.

1       (a) A person commits criminal damage to a critical  
2 infrastructure facility when he or she knowingly damages,  
3 destroys, or tampers with equipment in a critical  
4 infrastructure facility.

5       (b) A person may be liable in any civil action for money  
6 damages to the owner of the critical infrastructure facility  
7 for any damage resulting from the offense. A person may also be  
8 liable to the owner for court costs and reasonable attorney's  
9 fees.

10       (b-5) This Section does not apply to a contractor who has a  
11 contractual relationship with a critical infrastructure  
12 facility and the contractor's employees are acting within their  
13 scope of employment performing work at a critical  
14 infrastructure facility.

15       (c) Sentence. Criminal damage to a critical infrastructure  
16 facility is a Class 3 felony punishable by a fine of \$100,000,  
17 imprisonment, or both.

18       (720 ILCS 5/21-8)

19       Sec. 21-8. Criminal trespass to a critical infrastructure  
20 ~~nuclear~~ facility; aggravated criminal trespass to a critical  
21 infrastructure facility.

22       (a) A person commits criminal trespass to a critical  
23 infrastructure ~~nuclear~~ facility when he or she knowingly and  
24 without lawful authority:

25           (1) enters or remains within a critical infrastructure



1       ~~nuclear~~ facility or on the grounds of a critical  
2       infrastructure ~~nuclear~~ facility, after receiving notice  
3       before entry that entry to the critical infrastructure  
4       ~~nuclear~~ facility is forbidden;

5           (2) remains within the critical infrastructure  
6       facility or on the grounds of the facility after receiving  
7       notice from the owner or manager of the facility or other  
8       person authorized by the owner or manager of the facility  
9       to give that notice to depart from the facility or grounds  
10       of the facility; or

11           (3) enters or remains within a critical infrastructure  
12       ~~nuclear~~ facility or on the grounds of a critical  
13       infrastructure ~~nuclear~~ facility, by presenting false  
14       documents or falsely representing his or her identity  
15       orally to the owner or manager of the facility. This  
16       paragraph (3) does not apply to a peace officer or other  
17       official of a unit of government who enters or remains in  
18       the facility in the performance of his or her official  
19       duties.

20       (a-5) A person commits aggravated criminal trespass to a  
21       critical infrastructure facility when he or she violates  
22       subsection (a) of this Section with the intent to damage,  
23       destroy, or tamper with equipment of the facility, or impede or  
24       inhibit operations of the facility.

25           (b) A person has received notice from the owner or manager  
26       of the facility or other person authorized by the owner or

1 manager of the facility within the meaning of paragraphs (1)  
2 and (2) of subsection (a) if he or she has been notified  
3 personally, either orally or in writing, or if a printed or  
4 written notice forbidding the entry has been conspicuously  
5 posted or exhibited at the main entrance to the facility or  
6 grounds of the facility or the forbidden part of the facility.

7 (b-5) A person may be liable in any civil action for money  
8 damages to the owner of the critical infrastructure facility  
9 for any damage to personal or real property of the facility  
10 resulting from the trespass. A person may also be liable to the  
11 owner for court costs and reasonable attorney's fees.

12 (b-10) This Section does not apply to:

13 (1) any person or organization:

14 (i) monitoring or attentive to compliance with  
15 public or worker safety laws, wage and hour  
16 requirements, or other statutory requirements; or

17 (ii) picketing occurring at the workplace that is  
18 otherwise lawful and arises out of a bona fide labor  
19 dispute including any controversy concerning wages,  
20 salaries, hours, working conditions or benefits,  
21 including health and welfare, sick leave, insurance,  
22 and pension or retirement provisions, the managing or  
23 maintenance of collective bargaining agreements, and  
24 the terms to be included in those agreements; or

25 (iii) engaged in union organizing or recruitment  
26 activities including attempting to reach workers

1           verbally, in writing with pamphlets and in the  
2           investigation of non-union working conditions, or  
3           both; or

4           (2) an exercise of the right of free speech or assembly  
5           that is otherwise lawful. Nothing in this amendatory Act of  
6           the 101st General Assembly shall be deemed to limit or  
7           impede the right to free speech or assembly, including, but  
8           not limited to, protesting and picketing.

9           (b-15) This Section does not apply to a contractor who has  
10          a contractual relationship with a critical infrastructure  
11          facility and the contractor's employees are acting within their  
12          scope of employment performing work at a critical  
13          infrastructure facility.

14          (c) (Blank). ~~In this Section, "nuclear facility" has the~~  
15 ~~meaning ascribed to it in Section 3 of the Illinois Nuclear~~  
16 ~~Safety Preparedness Act.~~

17          (d) Sentence. Criminal trespass to a critical  
18 infrastructure ~~nuclear~~ facility is a Class 4 felony punishable  
19 by a fine of not less than \$1,000, imprisonment, or both.  
20 Aggravated criminal trespass to a critical infrastructure  
21 facility is a Class 3 felony punishable by a fine of not less  
22 than \$10,000, imprisonment, or both.

23          (Source: P.A. 97-1108, eff. 1-1-13.)"