



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB1759

Introduced 2/17/2021, by Rep. Jay Hoffman

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/2-5.05 new

720 ILCS 5/21-1

720 ILCS 5/21-8

from Ch. 38, par. 21-1

Amends the Criminal Code of 2012. Provides that a person also commits criminal damage to property when he or she intentionally damages, destroys, or tampers with equipment in a critical infrastructure facility without authorization from the critical infrastructure facility. Provides that a violation is: (1) a Class 4 felony when the damage to property does not exceed \$500; (2) a Class 3 felony when the damage to property exceeds \$500 but does not exceed \$10,000; and (3) a Class 2 felony when the damage to property exceeds \$10,000. Provides that a person may be liable in any civil action for money damages to the owner of the critical infrastructure facility for any damage resulting from a violation. Provides that it is an affirmative defense to a violation that the owner of the property or land damaged consented to the damage. Provides that a person may also be liable to the owner for court costs and reasonable attorney's fees resulting from a violation. Changes the name of the offense of criminal trespass to a nuclear facility to criminal trespass to a critical infrastructure facility. Includes as an element of the offense that the person must have the intent to damage, destroy, or tamper with equipment of the facility. Provides that a person may also be liable in a civil action for money damages to the owner of the critical infrastructure facility for any damage to personal or real property of the facility resulting from the trespass. Provides that a person may also be liable to the owner for court costs and reasonable attorney's fees. Defines "critical infrastructure facility" and "with the intent to damage, destroy, or tamper with equipment of the facility".

LRB102 15237 KMF 20592 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 2012 is amended by  
5 changing Sections 21-1 and 21-8 and by adding Section 2-5.05  
6 as follows:

7 (720 ILCS 5/2-5.05 new)

8 Sec. 2-5.05. Critical infrastructure facility. "Critical  
9 infrastructure facility" means:

10 (1) any one of the following, if completely enclosed  
11 by a fence or other physical barrier that is obviously  
12 designed to exclude intruders:

13 (A) a petroleum or alumina refinery;

14 (B) an electrical power generating facility,  
15 substation, switching station, electrical control  
16 center, or electric power lines, and associated  
17 equipment infrastructure;

18 (C) a chemical, polymer, or rubber manufacturing  
19 facility;

20 (D) a water intake structure, water treatment  
21 facility, wastewater treatment plant, or pump station;

22 (E) a natural gas compressor station;

23 (F) a liquid natural gas terminal or storage

1 facility;

2 (G) a telecommunications central switching office;

3 (H) a wireless telecommunications infrastructure,  
4 including cell towers, telephone poles and lines,  
5 including fiber optic lines;

6 (I) a port, railroad switching yard, railroad  
7 tracks, trucking terminal, or other freight  
8 transportation facility;

9 (J) a gas processing plant, including a plant used  
10 in the processing, treatment or fractionation of  
11 natural gas or natural gas liquids;

12 (K) a transmission facility used by a federally  
13 licensed radio or television station;

14 (L) a steelmaking facility;

15 (M) a facility identified and regulated by the  
16 United States Department of Homeland Security Chemical  
17 Facility Anti-Terrorism Standards (CFATS) program;

18 (N) a dam that is regulated by the State or federal  
19 government;

20 (O) a natural gas distribution utility facility  
21 including, but not limited to, pipeline  
22 interconnections, a city gate or town border station,  
23 metering station, aboveground piping, regulator  
24 station, or natural gas storage facility;

25 (P) a crude oil or refined products storage and  
26 distribution facility including, but not limited to,

1 valve sites, pipeline interconnections, pump station,  
2 metering station, below or aboveground pipeline or  
3 pipng, or truck loading or off-loading facility or an  
4 aboveground pipeline that is under construction that  
5 is clearly marked that entry is forbidden;

6 (Q) a nuclear facility as defined in Section 3 of  
7 the Illinois Nuclear Safety Preparedness Act;

8 (R) a coal mine; or

9 (S) a mining operation, including any processing  
10 equipment, batching operation, or support facility for  
11 that mining operation; or

12 (2) any aboveground portion of an oil, gas, hazardous  
13 liquid or chemical pipeline, tank, railroad facility, or  
14 other storage facility that is enclosed by a fence, or  
15 other physical barrier.

16 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

17 Sec. 21-1. Criminal damage to property.

18 (a) A person commits criminal damage to property when he  
19 or she:

20 (1) knowingly damages any property of another;

21 (2) recklessly by means of fire or explosive damages  
22 property of another;

23 (3) knowingly starts a fire on the land of another;

24 (4) knowingly injures a domestic animal of another  
25 without his or her consent;

1 (5) knowingly deposits on the land or in the building  
2 of another any stink bomb or any offensive smelling  
3 compound and thereby intends to interfere with the use by  
4 another of the land or building;

5 (6) knowingly damages any property, other than as  
6 described in paragraph (2) of subsection (a) of Section  
7 20-1, with intent to defraud an insurer;

8 (7) knowingly shoots a firearm at any portion of a  
9 railroad train;

10 (8) knowingly, without proper authorization, cuts,  
11 injures, damages, defaces, destroys, or tampers with any  
12 fire hydrant or any public or private fire fighting  
13 equipment, or any apparatus appertaining to fire fighting  
14 equipment; ~~or~~

15 (9) intentionally, without proper authorization, opens  
16 any fire hydrant; or

17 (10) intentionally damages, destroys, or tampers with  
18 equipment in a critical infrastructure facility without  
19 authorization from the critical infrastructure facility.

20 (b) When the charge of criminal damage to property  
21 exceeding a specified value is brought, the extent of the  
22 damage is an element of the offense to be resolved by the trier  
23 of fact as either exceeding or not exceeding the specified  
24 value.

25 (c) It is an affirmative defense to a violation of  
26 paragraph (1), (3), ~~or~~ (5), or (10) of subsection (a) of this

1 Section that the owner of the property or land damaged  
2 consented to the damage.

3 (d) Sentence.

4 (1) A violation of subsection (a) shall have the  
5 following penalties:

6 (A) A violation of paragraph (8) or (9) is a Class  
7 B misdemeanor.

8 (B) A violation of paragraph (1), (2), (3), (5),  
9 or (6) is a Class A misdemeanor when the damage to  
10 property does not exceed \$500.

11 (C) A violation of paragraph (1), (2), (3), (5),  
12 or (6) is a Class 4 felony when the damage to property  
13 does not exceed \$500 and the damage occurs to property  
14 of a school or place of worship or to farm equipment or  
15 immovable items of agricultural production, including  
16 but not limited to grain elevators, grain bins, and  
17 barns or property which memorializes or honors an  
18 individual or group of police officers, fire fighters,  
19 members of the United States Armed Forces, National  
20 Guard, or veterans.

21 (D) A violation of paragraph (4) is a Class 4  
22 felony when the damage to property does not exceed  
23 \$10,000.

24 (E) A violation of paragraph (7) is a Class 4  
25 felony.

26 (F) A violation of paragraph (1), (2), (3), (5) or

1 (6) is a Class 4 felony when the damage to property  
2 exceeds \$500 but does not exceed \$10,000.

3 (G) A violation of paragraphs (1) through (6) is a  
4 Class 3 felony when the damage to property exceeds  
5 \$500 but does not exceed \$10,000 and the damage occurs  
6 to property of a school or place of worship or to farm  
7 equipment or immovable items of agricultural  
8 production, including but not limited to grain  
9 elevators, grain bins, and barns or property which  
10 memorializes or honors an individual or group of  
11 police officers, fire fighters, members of the United  
12 States Armed Forces, National Guard, or veterans.

13 (H) A violation of paragraphs (1) through (6) is a  
14 Class 3 felony when the damage to property exceeds  
15 \$10,000 but does not exceed \$100,000.

16 (I) A violation of paragraphs (1) through (6) is a  
17 Class 2 felony when the damage to property exceeds  
18 \$10,000 but does not exceed \$100,000 and the damage  
19 occurs to property of a school or place of worship or  
20 to farm equipment or immovable items of agricultural  
21 production, including but not limited to grain  
22 elevators, grain bins, and barns or property which  
23 memorializes or honors an individual or group of  
24 police officers, fire fighters, members of the United  
25 States Armed Forces, National Guard, or veterans.

26 (J) A violation of paragraphs (1) through (6) is a

1 Class 2 felony when the damage to property exceeds  
2 \$100,000. A violation of paragraphs (1) through (6) is  
3 a Class 1 felony when the damage to property exceeds  
4 \$100,000 and the damage occurs to property of a school  
5 or place of worship or to farm equipment or immovable  
6 items of agricultural production, including but not  
7 limited to grain elevators, grain bins, and barns or  
8 property which memorializes or honors an individual or  
9 group of police officers, fire fighters, members of  
10 the United States Armed Forces, National Guard, or  
11 veterans.

12 (K) A violation of paragraph (10) is a Class 4  
13 felony when the damage to property does not exceed  
14 \$500.

15 (L) A violation of paragraph (10) is a Class 3  
16 felony when the damage to property exceeds \$500 but  
17 does not exceed \$10,000.

18 (M) A violation of paragraph (10) is a Class 2  
19 felony when the damage to property exceeds \$10,000.

20 (1.5) A person may be liable in a civil action for  
21 money damages to the owner of the critical infrastructure  
22 facility for any damage resulting from a violation of  
23 paragraph (10). A person may also be liable to the owner  
24 for court costs and reasonable attorney's fees resulting  
25 from a violation of paragraph (10).

26 (2) When the damage to property exceeds \$10,000, the



1 court shall impose upon the offender a fine equal to the  
2 value of the damages to the property.

3 (3) In addition to any other sentence that may be  
4 imposed, a court shall order any person convicted of  
5 criminal damage to property to perform community service  
6 for not less than 30 and not more than 120 hours, if  
7 community service is available in the jurisdiction and is  
8 funded and approved by the county board of the county  
9 where the offense was committed. In addition, whenever any  
10 person is placed on supervision for an alleged offense  
11 under this Section, the supervision shall be conditioned  
12 upon the performance of the community service.

13 The community service requirement does not apply when  
14 the court imposes a sentence of incarceration.

15 (4) In addition to any criminal penalties imposed for  
16 a violation of this Section, if a person is convicted of or  
17 placed on supervision for knowingly damaging or destroying  
18 crops of another, including crops intended for personal,  
19 commercial, research, or developmental purposes, the  
20 person is liable in a civil action to the owner of any  
21 crops damaged or destroyed for money damages up to twice  
22 the market value of the crops damaged or destroyed.

23 (5) For the purposes of this subsection (d), "farm  
24 equipment" means machinery or other equipment used in  
25 farming.

26 (Source: P.A. 98-315, eff. 1-1-14; 99-631, eff. 1-1-17.)

1 (720 ILCS 5/21-8)

2 Sec. 21-8. Criminal trespass to a critical infrastructure  
3 ~~nuclear~~ facility.

4 (a) A person commits criminal trespass to a critical  
5 infrastructure ~~nuclear~~ facility when he or she intentionally  
6 ~~knowingly~~ and without lawful authority, and with intent to  
7 damage, destroy, or tamper with equipment of the facility:

8 (1) enters or remains within a critical infrastructure  
9 ~~nuclear~~ facility or on the grounds of a critical  
10 infrastructure ~~nuclear~~ facility, after receiving notice  
11 before entry that entry to the critical infrastructure  
12 ~~nuclear~~ facility is forbidden;

13 (2) remains within the critical infrastructure  
14 facility or on the grounds of the facility after receiving  
15 notice from the owner or manager of the facility or other  
16 person authorized by the owner or manager of the facility  
17 to give that notice to depart from the facility or grounds  
18 of the facility; or

19 (3) enters or remains within a critical infrastructure  
20 ~~nuclear~~ facility or on the grounds of a critical  
21 infrastructure ~~nuclear~~ facility, by presenting false  
22 documents or falsely representing his or her identity  
23 orally to the owner or manager of the facility. This  
24 paragraph (3) does not apply to a peace officer or other  
25 official of a unit of government who enters or remains in

1 the facility in the performance of his or her official  
2 duties.

3 (a-5) In this Section, "with intent to damage, destroy, or  
4 tamper with equipment of the facility" means actions that  
5 create a serious risk for loss of human life, serious risk of  
6 harm to public health, or a serious risk of significant damage  
7 to the environment.

8 (b) A person has received notice from the owner or manager  
9 of the facility or other person authorized by the owner or  
10 manager of the facility within the meaning of paragraphs (1)  
11 and (2) of subsection (a) if he or she has been notified  
12 personally, either orally or in writing, or if a printed or  
13 written notice forbidding the entry has been conspicuously  
14 posted or exhibited at the main entrance to the facility or  
15 grounds of the facility or the forbidden part of the facility.

16 (b-5) This Section does not apply to:

17 (1) any person or organization:

18 (i) monitoring or attentive to compliance with  
19 public or worker safety laws, wage and hour  
20 requirements, or other statutory requirements;

21 (ii) picketing occurring at the workplace that is  
22 otherwise lawful and arises out of a bona fide labor  
23 dispute including any controversy concerning wages,  
24 salaries, hours, working conditions or benefits,  
25 including health and welfare, sick leave, insurance,  
26 and pension or retirement provisions, the managing or

1 maintenance of collective bargaining agreements, and  
2 the terms to be included in those agreements; or

3 (iii) engaged in union organizing or recruitment  
4 activities including attempting to reach workers  
5 verbally, in writing with pamphlets and in the  
6 investigation of non-union working conditions, or  
7 both; or

8 (2) an exercise of the right of free speech or  
9 assembly that is otherwise lawful. Nothing in this  
10 amendatory Act of the 102nd General Assembly shall be  
11 deemed to limit or impede the right to free speech or  
12 assembly, including, but not limited to, protesting and  
13 picketing.

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 (e) A person may also be liable in a civil action for money  
21 damages to the owner of the critical infrastructure facility  
22 for any damage to personal or real property of the facility  
23 resulting from the trespass. A person may also be liable to the  
24 owner for court costs and reasonable attorney's fees.

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