

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 Section 19-1 as follows:

6 (720 ILCS 5/19-1) (from Ch. 38, par. 19-1)

7 Sec. 19-1. Burglary.

8 (a) A person commits burglary when without authority he or  
9 she knowingly enters or without authority remains within a  
10 building, housetrailer, watercraft, aircraft, motor vehicle,  
11 railroad car, freight container, or any part thereof, with  
12 intent to commit therein a felony or theft. This offense shall  
13 not include the offenses set out in Section 4-102 of the  
14 Illinois Vehicle Code.

15 (b) Sentence.

16 Burglary committed in, and without causing damage to, a  
17 watercraft, aircraft, motor vehicle, railroad car, freight  
18 container, or any part thereof is a Class 3 felony. Burglary  
19 committed in a building, housetrailer, or any part thereof or  
20 while causing damage to a watercraft, aircraft, motor vehicle,  
21 railroad car, freight container, or any part thereof is a  
22 Class 2 felony. A burglary committed in a school, day care  
23 center, day care home, group day care home, or part day child

1 care facility, or place of worship is a Class 1 felony, except  
2 that this provision does not apply to a day care center, day  
3 care home, group day care home, or part day child care facility  
4 operated in a private residence used as a dwelling.

5 (c) Regarding penalties prescribed in subsection (b) for  
6 violations committed in a day care center, day care home,  
7 group day care home, or part day child care facility, the time  
8 of day, time of year, and whether children under 18 years of  
9 age were present in the day care center, day care home, group  
10 day care home, or part day child care facility are irrelevant.  
11 (Source: P.A. 100-3, eff. 1-1-18.)