



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3814

Introduced 1/21/2022, by Sen. Sue Rezin

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 22528 RLC 31669 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 pipings, 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.)