



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB3086

Introduced 2/2/2024, 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".

LRB103 38008 RLC 68140 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 manufacturing facility that is engaged in  
9 activities described in Codes 3111 through 339999 of  
10 the 2017 North American Industry Classification System  
11 (NAICS);

12 (S) a coal mine; or

13 (T) a mining operation, including any processing  
14 equipment, batching operation, or support facility for  
15 that mining operation; or

16 (2) any aboveground portion of an oil, gas, hazardous  
17 liquid or chemical pipeline, tank, railroad facility, or  
18 other storage facility that is enclosed by a fence, or  
19 other physical barrier.

20 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

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

22 (a) A person commits criminal damage to property when he  
23 or she:

24 (1) knowingly damages any property of another;

25 (2) recklessly by means of fire or explosive damages

1 property of another;

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

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

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

9 (6) knowingly damages any property, other than as  
10 described in paragraph (2) of subsection (a) of Section  
11 20-1, with intent to defraud an insurer;

12 (7) knowingly shoots a firearm at any portion of a  
13 railroad train;

14 (8) knowingly, without proper authorization, cuts,  
15 injures, damages, defaces, destroys, or tampers with any  
16 fire hydrant or any public or private fire fighting  
17 equipment, or any apparatus appertaining to fire fighting  
18 equipment; ~~or~~

19 (9) intentionally, without proper authorization, opens  
20 any fire hydrant; or

21 (10) intentionally damages, destroys, or tampers with  
22 equipment in a critical infrastructure facility without  
23 authorization from the critical infrastructure facility.

24 (b) When the charge of criminal damage to property  
25 exceeding a specified value is brought, the extent of the  
26 damage is an element of the offense to be resolved by the trier

1 of fact as either exceeding or not exceeding the specified  
2 value.

3 (c) It is an affirmative defense to a violation of  
4 paragraph (1), (3), ~~or~~ (5), or (10) of subsection (a) of this  
5 Section that the owner of the property or land damaged  
6 consented to the damage.

7 (d) Sentence.

8 (1) A violation of subsection (a) shall have the  
9 following penalties:

10 (A) A violation of paragraph (8) or (9) is a Class  
11 B misdemeanor.

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

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

25 (D) A violation of paragraph (4) is a Class 4  
26 felony when the damage to property does not exceed

1           \$10,000.

2           (E) A violation of paragraph (7) is a Class 4  
3 felony.

4           (F) A violation of paragraph (1), (2), (3), (5) or  
5 (6) is a Class 4 felony when the damage to property  
6 exceeds \$500 but does not exceed \$10,000.

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

17           (H) A violation of paragraphs (1) through (6) is a  
18 Class 3 felony when the damage to property exceeds  
19 \$10,000 but does not exceed \$100,000.

20           (I) A violation of paragraphs (1) through (6) is a  
21 Class 2 felony when the damage to property exceeds  
22 \$10,000 but does not exceed \$100,000 and the damage  
23 occurs to property of a school or place of worship or  
24 to farm equipment or immovable items of agricultural  
25 production, including but not limited to grain  
26 elevators, grain bins, and barns or property which

1 memorializes or honors an individual or group of  
2 police officers, fire fighters, members of the United  
3 States Armed Forces, National Guard, or veterans.

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

16 (K) A violation of paragraph (10) is a Class 4  
17 felony when the damage to property does not exceed  
18 \$500.

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

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

24 (1.5) A person may be liable in a civil action for  
25 money damages to the owner of the critical infrastructure  
26 facility for any damage resulting from a violation of



1 paragraph (10). A person may also be liable to the owner  
2 for court costs and reasonable attorney's fees resulting  
3 from a violation of paragraph (10).

4 (2) When the damage to property exceeds \$10,000, the  
5 court shall impose upon the offender a fine equal to the  
6 value of the damages to the property.

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

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

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

1           (5) For the purposes of this subsection (d), "farm  
2           equipment" means machinery or other equipment used in  
3           farming.

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

5           (720 ILCS 5/21-8)

6           Sec. 21-8. Criminal trespass to a critical infrastructure  
7           ~~nuclear~~ facility.

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

12           (1) enters or remains within a critical infrastructure  
13           ~~nuclear~~ facility or on the grounds of a critical  
14           infrastructure ~~nuclear~~ facility, after receiving notice  
15           before entry that entry to the critical infrastructure  
16           ~~nuclear~~ facility is forbidden;

17           (2) remains within the critical infrastructure  
18           facility or on the grounds of the facility after receiving  
19           notice from the owner or manager of the facility or other  
20           person authorized by the owner or manager of the facility  
21           to give that notice to depart from the facility or grounds  
22           of the facility; or

23           (3) enters or remains within a critical infrastructure  
24           ~~nuclear~~ facility or on the grounds of a critical  
25           infrastructure ~~nuclear~~ facility, by presenting false

1 documents or falsely representing his or her identity  
2 orally to the owner or manager of the facility. This  
3 paragraph (3) does not apply to a peace officer or other  
4 official of a unit of government who enters or remains in  
5 the facility in the performance of his or her official  
6 duties.

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

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

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

21 (1) any person or organization:

22 (i) monitoring or attentive to compliance with  
23 public or worker safety laws, wage and hour  
24 requirements, or other statutory requirements;

25 (ii) picketing occurring at the workplace that is  
26 otherwise lawful and arises out of a bona fide labor

1 dispute including any controversy concerning wages,  
2 salaries, hours, working conditions or benefits,  
3 including health and welfare, sick leave, insurance,  
4 and pension or retirement provisions, the managing or  
5 maintenance of collective bargaining agreements, and  
6 the terms to be included in those agreements; or

7 (iii) engaged in union organizing or recruitment  
8 activities including attempting to reach workers  
9 verbally, in writing with pamphlets and in the  
10 investigation of non-union working conditions, or  
11 both; or

12 (2) an exercise of the right of free speech or  
13 assembly that is otherwise lawful. Nothing in this  
14 amendatory Act of the 103rd General Assembly shall be  
15 deemed to limit or impede the right to free speech or  
16 assembly, including, but not limited to, protesting and  
17 picketing.

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

21 (d) Sentence. Criminal trespass to a critical  
22 infrastructure ~~nuclear~~ facility is a Class 4 felony punishable  
23 by a fine of not less than \$1,000, imprisonment, or both.

24 (e) A person may also be liable in a civil action for money  
25 damages to the owner of the critical infrastructure facility  
26 for any damage to personal or real property of the facility

1 resulting from the trespass. A person may also be liable to the  
2 owner for court costs and reasonable attorney's fees.

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