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09300HB3869ham001

LRB093 13668 AMC 48420 a

1 AMENDMENT TO HOUSE BILL 3869

2 AMENDMENT NO. _____. Amend House Bill 3869 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Sections 21-1 and 21-3 as follows:

6 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

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

8 (1) A person commits an illegal act when he:

9 (a) knowingly damages any property of another without
10 his consent; or

11 (b) recklessly by means of fire or explosive damages
12 property of another; or

13 (c) knowingly starts a fire on the land of another
14 without his consent; or

15 (d) knowingly injures a domestic animal of another
16 without his consent; or

17 (e) knowingly deposits on the land or in the building
18 of another, without his consent, any stink bomb or any
19 offensive smelling compound and thereby intends to
20 interfere with the use by another of the land or building;
21 or

22 (f) damages any property, other than as described in
23 subsection (b) of Section 20-1, with intent to defraud an
24 insurer; or

1 (g) knowingly shoots a firearm at any portion of a
2 railroad train.

3 When the charge of criminal damage to property exceeding a
4 specified value is brought, the extent of the damage is an
5 element of the offense to be resolved by the trier of fact as
6 either exceeding or not exceeding the specified value.

7 (2) The acts described in items (a), (b), (c), (e), and (f)
8 are Class A misdemeanors if the damage to property does not
9 exceed \$300. The acts described in items (a), (b), (c), (e),
10 and (f) are Class 4 felonies if the damage to property does not
11 exceed \$300 if the damage occurs to property of a school or
12 place of worship or to farm equipment or immovable items of
13 agricultural production, including but not limited to grain
14 bins and barns. The act described in item (d) is a Class 4
15 felony if the damage to property does not exceed \$10,000. The
16 act described in item (g) is a Class 4 felony. The acts
17 described in items (a), (b), (c), (e), and (f) are Class 4
18 felonies if the damage to property exceeds \$300 but does not
19 exceed \$10,000. The acts described in items (a) through (f) are
20 Class 3 felonies if the damage to property exceeds \$300 but
21 does not exceed \$10,000 if the damage occurs to property of a
22 school or place of worship or to farm equipment or immovable
23 items of agricultural production, including but not limited to
24 grain bins and barns. The acts described in items (a) through
25 (f) are Class 3 felonies if the damage to property exceeds
26 \$10,000 but does not exceed \$100,000. The acts described in
27 items (a) through (f) are Class 2 felonies if the damage to
28 property exceeds \$10,000 but does not exceed \$100,000 if the
29 damage occurs to property of a school or place of worship or to
30 farm equipment or immovable items of agricultural production,
31 including but not limited to grain bins and barns. The acts
32 described in items (a) through (f) are Class 2 felonies if the
33 damage to property exceeds \$100,000. The acts described in
34 items (a) through (f) are Class 1 felonies if the damage to

1 property exceeds \$100,000 and the damage occurs to property of
2 a school or place of worship or to farm equipment or immovable
3 items of agricultural production, including but not limited to
4 grain bins and barns. If the damage to property exceeds
5 \$10,000, the court shall impose upon the offender a fine equal
6 to the value of the damages to the property.

7 For the purposes of this subsection (2), "farm equipment"
8 means machinery or other equipment used in farming.

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

18 This subsection does not apply when the court imposes a
19 sentence of incarceration.

20 (Source: P.A. 91-360, eff. 7-29-99; 92-454, eff. 1-1-02.)

21 (720 ILCS 5/21-3) (from Ch. 38, par. 21-3)

22 Sec. 21-3. Criminal trespass to real property.

23 (a) Except as provided in subsection (a-5), whoever:

24 (1) knowingly and without lawful authority enters or
25 remains within or on a building; or

26 (2) enters upon the land of another, after receiving,
27 prior to such entry, notice from the owner or occupant that
28 such entry is forbidden; or

29 (3) remains upon the land of another, after receiving
30 notice from the owner or occupant to depart; ~~or~~

31 ~~(4) enters upon one of the following areas in or on a~~
32 ~~motor vehicle (including an off-road vehicle, motorcycle,~~
33 ~~moped, or any other powered two-wheel vehicle), after~~

1 ~~receiving prior to that entry, notice from the owner or~~
2 ~~occupant that the entry is forbidden or remains upon or in~~
3 ~~the area after receiving notice from the owner or occupant~~
4 ~~to depart;~~

5 ~~(A) any field that is used for growing crops or~~
6 ~~which is capable of being used for growing crops; or~~

7 ~~(B) an enclosed area containing livestock; or~~

8 ~~(C) or an orchard; or~~

9 ~~(D) a barn or other agricultural building~~
10 ~~containing livestock;~~

11 commits a Class B misdemeanor.

12 For purposes of item (1) of this subsection, this Section
13 shall not apply to being in a building which is open to the
14 public while the building is open to the public during its
15 normal hours of operation; nor shall this Section apply to a
16 person who enters a public building under the reasonable belief
17 that the building is still open to the public.

18 (a-5) Except as otherwise provided in this subsection,
19 whoever enters upon any of the following areas in or on a motor
20 vehicle (including an off-road vehicle, motorcycle, moped, or
21 any other powered two-wheel vehicle) after receiving, prior to
22 that entry, notice from the owner or occupant that the entry is
23 forbidden or remains upon or in the area after receiving notice
24 from the owner or occupant to depart commits a Class A
25 misdemeanor:

26 (1) A field that is used for growing crops or that is
27 capable of being used for growing crops.

28 (2) An enclosed area containing livestock.

29 (3) An orchard.

30 (4) A barn or other agricultural building containing
31 livestock.

32 (b) A person has received notice from the owner or occupant
33 within the meaning of Subsection (a) if he has been notified
34 personally, either orally or in writing including a valid court

1 order as defined by subsection (7) of Section 112A-3 of the
2 Code of Criminal Procedure of 1963 granting remedy (2) of
3 subsection (b) of Section 112A-14 of that Code, or if a printed
4 or written notice forbidding such entry has been conspicuously
5 posted or exhibited at the main entrance to such land or the
6 forbidden part thereof.

7 (c) This Section does not apply to any person, whether a
8 migrant worker or otherwise, living on the land with permission
9 of the owner or of his agent having apparent authority to hire
10 workers on such land and assign them living quarters or a place
11 of accommodations for living thereon, nor to anyone living on
12 such land at the request of, or by occupancy, leasing or other
13 agreement or arrangement with the owner or his agent, nor to
14 anyone invited by such migrant worker or other person so living
15 on such land to visit him at the place he is so living upon the
16 land.

17 (d) A person shall be exempt from prosecution under this
18 Section if he beautifies unoccupied and abandoned residential
19 and industrial properties located within any municipality. For
20 the purpose of this subsection, "unoccupied and abandoned
21 residential and industrial property" means any real estate (1)
22 in which the taxes have not been paid for a period of at least 2
23 years; and (2) which has been left unoccupied and abandoned for
24 a period of at least one year; and "beautifies" means to
25 landscape, clean up litter, or to repair dilapidated conditions
26 on or to board up windows and doors.

27 (e) No person shall be liable in any civil action for money
28 damages to the owner of unoccupied and abandoned residential
29 and industrial property which that person beautifies pursuant
30 to subsection (d) of this Section.

31 (f) This Section does not prohibit a person from entering a
32 building or upon the land of another for emergency purposes.
33 For purposes of this subsection (f), "emergency" means a
34 condition or circumstance in which an individual is or is

1 reasonably believed by the person to be in imminent danger of
2 serious bodily harm or in which property is or is reasonably
3 believed to be in imminent danger of damage or destruction.

4 (Source: P.A. 89-346, eff. 1-1-96; 89-373, eff. 1-1-96; 89-626,
5 eff. 8-9-96; 90-419, eff. 8-15-97.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law."