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09300HB4650ham004

LRB093 18964 RLC 49231 a

1 AMENDMENT TO HOUSE BILL 4650

2 AMENDMENT NO. _____. Amend House Bill 4650, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Criminal Code of 1961 is amended by
6 changing Section 12-5.1 as follows:

7 (720 ILCS 5/12-5.1) (from Ch. 38, par. 12-5.1)

8 Sec. 12-5.1. Criminal housing management.

9 (a) A person commits the offense of criminal housing
10 management when, having personal management or control of
11 residential real estate, whether as a legal or equitable owner
12 or as a managing agent or otherwise, he recklessly permits the
13 physical condition or facilities of the residential real estate
14 to become or remain in any condition which endangers the health
15 or safety of any person.

16 (a-5) A landlord, or his or her agent, commits the offense
17 of criminal housing management when, under any agreement,
18 whether written or verbal, the landlord or agent charges a
19 tenant for gas, water, or electrical utility service and:

20 1) the landlord or agent fails to pay the utility
21 company for the service, resulting in termination of that
22 utility service to the tenant's residence; and

23 (2) the termination of utility service is not corrected
24 within 24 hours after it was terminated, unless the delay

1 is caused by an act of God or other occurrence through no
2 fault of the landlord or agent; and

3 (3) the termination of utility service endangers the
4 health or safety of the tenant or a member of the tenant's
5 household.

6 Nothing in this subsection (a-5) is intended to authorize
7 the resale of water, gas, or electrical service if that resale
8 is otherwise prohibited.

9 (a-6) In this Section:

10 "Agreement" includes leases, oral agreements, and any
11 other understandings or contracts reached between a landlord
12 and a tenant.

13 "Landlord" includes the owner of a building containing 3 or
14 more residential units, the owner's agent, and the lessor of a
15 building containing 3 or more residential units.

16 "Tenant" includes occupants of a building or mobile home,
17 whether under a lease or periodic tenancy.

18 "Utility company" includes all suppliers of utility
19 service, including municipalities.

20 "Utility service" includes electric, gas, water, or
21 sanitary utility service rendered by a utility company to a
22 tenant at a specific location.

23 (b) Sentence.

24 A first conviction for a violation of subsection (a)
25 ~~Criminal housing management~~ is a Class A misdemeanor. A
26 subsequent conviction for a violation of subsection (a) is a
27 Class 4 felony.

28 A first conviction for a violation of subsection (a-5) is a
29 petty offense. A second conviction for a violation of
30 subsection (a-5) is a business offense subject to a fine not to
31 exceed \$1,500. A third or subsequent conviction for a violation
32 of subsection (a-5) is a Class A misdemeanor.

33 (Source: P.A. 85-341.)".