



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB1086**

Introduced 02/08/05, by Rep. Naomi D. Jakobsson

**SYNOPSIS AS INTRODUCED:**

720 ILCS 5/21-3

from Ch. 38, par. 21-3

Amends the Criminal Code of 1961. Provides that a person does not commit criminal trespass to real property if he or she enters into the public area of (rather than being in) a building which is open to the public while the building is open to the public during its normal hours of operation; nor does a person commit criminal trespass to real property if he or she enters the public area of a public building under the reasonable belief that the building is still open to the public.

LRB094 07175 RLC 37330 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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 1961 is amended by changing  
5 Section 21-3 as follows:

6 (720 ILCS 5/21-3) (from Ch. 38, par. 21-3)

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

8 (a) Whoever:

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

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

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

16 (4) enters upon one of the following areas in or on a  
17 motor vehicle (including an off-road vehicle, motorcycle,  
18 moped, or any other powered two-wheel vehicle), after  
19 receiving prior to that entry, notice from the owner or  
20 occupant that the entry is forbidden or remains upon or in  
21 the area after receiving notice from the owner or occupant  
22 to depart:

23 (A) any field that is used for growing crops or  
24 which is capable of being used for growing crops; or

25 (B) an enclosed area containing livestock; or

26 (C) or an orchard; or

27 (D) a barn or other agricultural building  
28 containing livestock;

29 commits a Class B misdemeanor.

30 For purposes of item (1) of this subsection, this Section  
31 shall not apply to entering into the public area of ~~being in~~ a  
32 building which is open to the public while the building is open

1 to the public during its normal hours of operation; nor shall  
2 item (1) of this subsection ~~this Section~~ apply to a person who  
3 enters the public area of a public building under the  
4 reasonable belief that the building is still open to the  
5 public.

6 (b) A person has received notice from the owner or occupant  
7 within the meaning of Subsection (a) if he has been notified  
8 personally, either orally or in writing including a valid court  
9 order as defined by subsection (7) of Section 112A-3 of the  
10 Code of Criminal Procedure of 1963 granting remedy (2) of  
11 subsection (b) of Section 112A-14 of that Code, or if a printed  
12 or written notice forbidding such entry has been conspicuously  
13 posted or exhibited at the main entrance to such land or the  
14 forbidden part thereof.

15 (c) This Section does not apply to any person, whether a  
16 migrant worker or otherwise, living on the land with permission  
17 of the owner or of his agent having apparent authority to hire  
18 workers on such land and assign them living quarters or a place  
19 of accommodations for living thereon, nor to anyone living on  
20 such land at the request of, or by occupancy, leasing or other  
21 agreement or arrangement with the owner or his agent, nor to  
22 anyone invited by such migrant worker or other person so living  
23 on such land to visit him at the place he is so living upon the  
24 land.

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

35 (e) No person shall be liable in any civil action for money  
36 damages to the owner of unoccupied and abandoned residential

1 and industrial property which that person beautifies pursuant  
2 to subsection (d) of this Section.

3 (f) This Section does not prohibit a person from entering a  
4 building or upon the land of another for emergency purposes.  
5 For purposes of this subsection (f), "emergency" means a  
6 condition or circumstance in which an individual is or is  
7 reasonably believed by the person to be in imminent danger of  
8 serious bodily harm or in which property is or is reasonably  
9 believed to be in imminent danger of damage or destruction.

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