



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2064

Introduced 2/14/2005, by Rep. Michael J. Madigan - Barbara Flynn Currie - Robert S. Molaro

SYNOPSIS AS INTRODUCED:

720 ILCS 5/21-1.2

from Ch. 38, par. 21-1.2

Amends the Criminal Code of 1961. Makes a technical change in a Section concerning the offense of institutional vandalism.

LRB094 03031 RLC 33032 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 1961 is amended by changing
5 Section 21-1.2 as follows:

6 (720 ILCS 5/21-1.2) (from Ch. 38, par. 21-1.2)

7 Sec. 21-1.2. Institutional vandalism.

8 (a) A person commits institutional vandalism when, by
9 reason of the ~~the~~ actual or perceived race, color, creed,
10 religion or national origin of another individual or group of
11 individuals, regardless of the existence of any other
12 motivating factor or factors, he or she knowingly and without
13 consent inflicts damage to any of the following properties:

14 (1) A church, synagogue, mosque, or other building,
15 structure or place used for religious worship or other
16 religious purpose;

17 (2) A cemetery, mortuary, or other facility used for
18 the purpose of burial or memorializing the dead;

19 (3) A school, educational facility or community
20 center;

21 (4) The grounds adjacent to, and owned or rented by,
22 any institution, facility, building, structure or place
23 described in paragraphs (1), (2) or (3) of this subsection
24 (a); or

25 (5) Any personal property contained in any
26 institution, facility, building, structure or place
27 described in paragraphs (1), (2) or (3) of this subsection
28 (a).

29 (b) Institutional vandalism is a Class 3 felony if the
30 damage to the property does not exceed \$300. Institutional
31 vandalism is a Class 2 felony if the damage to the property
32 exceeds \$300. Institutional vandalism is a Class 2 felony for

1 any second or subsequent offense.

2 (b-5) Upon imposition of any sentence, the trial court
3 shall also either order restitution paid to the victim or
4 impose a fine up to \$1,000. In addition, any order of probation
5 or conditional discharge entered following a conviction or an
6 adjudication of delinquency shall include a condition that the
7 offender perform public or community service of no less than
8 200 hours if that service is established in the county where
9 the offender was convicted of institutional vandalism. The
10 court may also impose any other condition of probation or
11 conditional discharge under this Section.

12 (c) Independent of any criminal prosecution or the result
13 of that prosecution, a person suffering damage to property or
14 injury to his or her person as a result of institutional
15 vandalism may bring a civil action for damages, injunction or
16 other appropriate relief. The court may award actual damages,
17 including damages for emotional distress, or punitive damages.
18 A judgment may include attorney's fees and costs. The parents
19 or legal guardians of an unemancipated minor, other than
20 guardians appointed under the Juvenile Court Act or the
21 Juvenile Court Act of 1987, shall be liable for the amount of
22 any judgment for actual damages rendered against the minor
23 under this subsection in an amount not exceeding the amount
24 provided under Section 5 of the Parental Responsibility Law.

25 (Source: P.A. 92-830, eff. 1-1-03.)