

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 Sections 21-3, 21-5, 21-7, 21-8, and 21-9 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 (3.5) presents false documents or falsely represents  
17 his or her identity orally to the owner or occupant of a  
18 building or land in order to obtain permission from the  
19 owner or occupant to enter or remain in the building or on  
20 the land; or

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

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

30 (B) an enclosed area containing livestock; or

31 (C) or an orchard; or

32 (D) a barn or other agricultural building

1           containing livestock;  
2           commits a Class B misdemeanor.

3           For purposes of item (1) of this subsection, this Section  
4           shall not apply to being in a building which is open to the  
5           public while the building is open to the public during its  
6           normal hours of operation; nor shall this Section apply to a  
7           person who enters a public building under the reasonable belief  
8           that the building is still open to the public.

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

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

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

1 on or to board up windows and doors.

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

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

13 (g) Paragraph (3.5) of subsection (a) does not apply to a  
14 peace officer or other official of a unit of government who  
15 enters a building or land in the performance of his or her  
16 official duties.

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

19 (720 ILCS 5/21-5) (from Ch. 38, par. 21-5)

20 Sec. 21-5. Criminal Trespass to State Supported Land.

21 (a) Whoever enters upon land supported in whole or in part  
22 with State funds, or Federal funds administered or granted  
23 through State agencies or any building on such land, after  
24 receiving, prior to such entry, notice from the State or its  
25 representative that such entry is forbidden, or remains upon  
26 such land or in such building after receiving notice from the  
27 State or its representative to depart, and who thereby  
28 interferes with another person's lawful use or enjoyment of  
29 such building or land, commits a Class A misdemeanor.

30 (b) A person has received notice from the State within the  
31 meaning of subsection (a) ~~sub-section (1)~~ if he has been  
32 notified personally, either orally or in writing, or if a  
33 printed or written notice forbidding such entry to him or a  
34 group of which he is a part, has been conspicuously posted or  
35 exhibited at the main entrance to such land or the forbidden

1 part thereof.

2 (c) Whoever enters upon land supported in whole or in part  
3 with State funds, or federal funds administered or granted  
4 through State agencies or any building on such land by  
5 presenting false documents or falsely representing his or her  
6 identity orally to the State or its representative in order to  
7 obtain permission from the State or its representative to enter  
8 the building or land; or remains upon such land or in such  
9 building by presenting false documents or falsely representing  
10 his or her identity orally to the State or its representative  
11 in order to remain upon such land or in such building, and who  
12 thereby interferes with another person's lawful use or  
13 enjoyment of such building or land, commits a Class A  
14 misdemeanor.

15 Subsection (c) does not apply to a peace officer or other  
16 official of a unit of government who enters upon land supported  
17 in whole or in part with State funds, or federal funds  
18 administered or granted through State agencies or any building  
19 on such land in the performance of his or her official duties.

20 (Source: P.A. 84-1041.)

21 (720 ILCS 5/21-7) (from Ch. 38, par. 21-7)

22 Sec. 21-7. Criminal trespass to Restricted areas and  
23 restricted Landing areas at airports.➤

24 (a) Whoever enters upon, or remains in, any restricted area  
25 or restricted landing area used in connection with an airport  
26 facility, or part thereof, in this State, after such person has  
27 received notice from the airport authority that such entry is  
28 forbidden commits a Class A misdemeanor. Notice that the area  
29 is "restricted" and entry thereto "forbidden", for purposes of  
30 this Section, means that the person or persons have been  
31 notified personally, either orally or in writing, or by a  
32 printed or written notice forbidding such entry to him or a  
33 group or an organization of which he is a member, which has  
34 been conspicuously posted or exhibited at every usable entrance  
35 to such area or the forbidden part thereof.

1       (b) Whoever enters upon, or remains in, any restricted area  
2 or restricted landing area used in connection with an airport  
3 facility, or part thereof, in this State by presenting false  
4 documents or falsely representing his or her identity orally to  
5 the airport authority commits a Class A misdemeanor.

6       (c) The terms "Restricted area" or "Restricted landing  
7 area" in this Section are defined to incorporate the meaning  
8 ascribed to those terms in Section 8 of the "Illinois  
9 Aeronautics Act", approved July 24, 1945, as amended, and also  
10 include any other area of the airport that has been designated  
11 such by the airport authority.

12       (d) Subsection (b) does not apply to a peace officer or  
13 other official of a unit of government who enters a restricted  
14 area or a restricted landing area used in connection with an  
15 airport facility, or part thereof, in the performance of his or  
16 her official duties.

17 (Source: P.A. 81-564.)

18 (720 ILCS 5/21-8)

19 Sec. 21-8. Criminal trespass to a nuclear facility.

20 (a) A person commits the offense of criminal trespass to a  
21 nuclear facility if he or she knowingly and without lawful  
22 authority:

23 (1) enters or remains within a nuclear facility or on  
24 the grounds of a nuclear facility, after receiving notice  
25 before entry that entry to the nuclear facility is  
26 forbidden; or

27 (2) remains within the facility or on the grounds of  
28 the facility after receiving notice from the owner or  
29 manager of the facility or other person authorized by the  
30 owner or manager of the facility to give that notice to  
31 depart from the facility or grounds of the facility; or .

32 (3) enters or remains within a nuclear facility or on  
33 the grounds of a nuclear facility, by presenting false  
34 documents or falsely representing his or her identity  
35 orally to the owner or manager of the facility. This

1 paragraph (3) does not apply to a peace officer or other  
2 official of a unit of government who enters or remains in  
3 the facility in the performance of his or her official  
4 duties.

5 (b) A person has received notice from the owner or manager  
6 of the facility or other person authorized by the owner or  
7 manager of the facility within the meaning of paragraphs (1)  
8 and (2) of subsection (a) if he or she has been notified  
9 personally, either orally or in writing, or if a printed or  
10 written notice forbidding the entry has been conspicuously  
11 posted or exhibited at the main entrance to the facility or  
12 grounds of the facility or the forbidden part of the facility.

13 (c) In this Section, "nuclear facility" has the meaning  
14 ascribed to it in Section 3 of the Illinois Nuclear Safety  
15 Preparedness Act.

16 (d) Sentence. Criminal trespass to a nuclear facility is a  
17 Class 4 felony.

18 (Source: P.A. 92-575, eff. 1-1-03.)

19 (720 ILCS 5/21-9)

20 Sec. 21-9. Criminal trespass to a place of public  
21 amusement.

22 (a) A person commits the offense of criminal trespass to a  
23 place of public amusement if he or she knowingly and without  
24 lawful authority enters or remains on any portion of a place of  
25 public amusement after having received notice that the general  
26 public is restricted from access to that portion of the place  
27 of public amusement. Such areas may include, but are not  
28 limited to: a playing field, an athletic surface, a stage, a  
29 locker room, or a dressing room located at the place of public  
30 amusement.

31 (a-5) A person commits the offense of criminal trespass to  
32 a place of public amusement if he or she knowingly and without  
33 lawful authority gains access to or remains on any portion of a  
34 place of public amusement by presenting false documents or  
35 falsely representing his or her identity orally to the property

1 owner, a lessee, an agent of either the owner or lessee, or a  
2 performer or participant. This subsection (a-5) does not apply  
3 to a peace officer or other official of a unit of government  
4 who enters or remains in the place of public amusement in the  
5 performance of his or her official duties.

6 (b) A property owner, a lessee, an agent of either the  
7 owner or lessee, or a performer or participant may use  
8 reasonable force to restrain a trespasser and remove him or her  
9 from the restricted area; however, any use of force beyond  
10 reasonable force may subject that person to any applicable  
11 criminal penalty.

12 (c) A person has received notice within the meaning of  
13 subsection (a) if he or she has been notified personally,  
14 either orally or in writing, or if a printed or written notice  
15 forbidding such entry has been conspicuously posted or  
16 exhibited at the entrance to the portion of the place of public  
17 amusement that is restricted or an oral warning has been  
18 broadcast over the public address system of the place of public  
19 amusement.

20 (d) In this Section, "place of public amusement" means a  
21 stadium, a theater, or any other facility of any kind, whether  
22 licensed or not, where a live performance, a sporting event, or  
23 any other activity takes place for other entertainment and  
24 where access to the facility is made available to the public,  
25 regardless of whether admission is charged.

26 (e) Sentence. Criminal trespass to a place of public  
27 amusement is a Class 4 felony. Upon imposition of any sentence,  
28 the court shall also impose a fine of not less than \$1,000. In  
29 addition, any order of probation or conditional discharge  
30 entered following a conviction shall include a condition that  
31 the offender perform public or community service of not less  
32 than 30 and not more than 120 hours, if community service is  
33 available in the jurisdiction and is funded and approved by the  
34 county board of the county where the offender was convicted.  
35 The court may also impose any other condition of probation or  
36 conditional discharge under this Section.

1 (Source: P.A. 93-407, eff. 1-1-04.)