

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 being in a building which is open to the  
32 public while the building is open to the public during its

1 normal hours of operation; nor shall this Section apply to a  
2 person who enters a public building under the reasonable belief  
3 that the building is still open to the public.

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

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

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

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

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

8 (g) A person may be liable in any civil action for money  
9 damages to the owner of the land he or she entered upon with a  
10 motor vehicle as prohibited under paragraph (4) of subsection  
11 (a) of this Section. A person may also be liable to the owner  
12 for court costs and reasonable attorney's fees. The measure of  
13 damages shall be: (i) the actual damages, but not less than  
14 \$250, if the vehicle is operated in a nature preserve or  
15 registered area as defined in Sections 3.11 and 3.14 of the  
16 Illinois Natural Areas Preservation Act; (ii) twice the actual  
17 damages if the owner has previously notified the person to  
18 cease trespassing; or (iii) in any other case, the actual  
19 damages, but not less than \$50. If the person operating the  
20 vehicle is under the age of 16, the owner of the vehicle and  
21 the parent or legal guardian of the minor are jointly and  
22 severally liable. For the purposes of this subsection (g):

23 "Land" includes, but is not limited to, land used for  
24 crop land, fallow land, orchard, pasture, feed lot, timber  
25 land, prairie land, mine spoil nature preserves and  
26 registered areas. "Land" does not include driveways or  
27 private roadways upon which the owner allows the public to  
28 drive.

29 "Owner" means the person who has the right to  
30 possession of the land, including the owner, operator or  
31 tenant.

32 "Vehicle" has the same meaning as provided under  
33 Section 1-217 of the Illinois Vehicle Code.

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