



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB5802

Introduced 07/19/06, by Rep. Terry R. Parke

SYNOPSIS AS INTRODUCED:

720 ILCS 5/21-1

from Ch. 38, par. 21-1

Amends the Criminal Code of 1961 relating to criminal damage to property. Enhances the penalties for criminal damage to property by one class if the property damaged is property of a law enforcement agency used for the enforcement of the criminal and traffic laws and ordinances of this State or a unit of local government.

LRB094 21054 RLC 59381 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 21-1 as follows:

6 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

7 Sec. 21-1. Criminal damage to property.

8 (1) A person commits an illegal act when he:

9 (a) knowingly damages any property of another without
10 his consent; or

11 (b) recklessly by means of fire or explosive damages
12 property of another; or

13 (c) knowingly starts a fire on the land of another
14 without his consent; or

15 (d) knowingly injures a domestic animal of another
16 without his consent; or

17 (e) knowingly deposits on the land or in the building
18 of another, without his consent, any stink bomb or any
19 offensive smelling compound and thereby intends to
20 interfere with the use by another of the land or building;
21 or

22 (f) damages any property, other than as described in
23 subsection (b) of Section 20-1, with intent to defraud an
24 insurer; or

25 (g) knowingly shoots a firearm at any portion of a
26 railroad train.

27 When the charge of criminal damage to property exceeding a
28 specified value is brought, the extent of the damage is an
29 element of the offense to be resolved by the trier of fact as
30 either exceeding or not exceeding the specified value.

31 (2) The acts described in items (a), (b), (c), (e), and (f)
32 are Class A misdemeanors if the damage to property does not

1 exceed \$300. The acts described in items (a), (b), (c), (e),
2 and (f) are Class 4 felonies if the damage to property does not
3 exceed \$300 if the damage occurs to property of a law
4 enforcement agency used for the enforcement of the criminal and
5 traffic laws and ordinances of this State or a unit of local
6 government or a school or place of worship or to farm equipment
7 or immovable items of agricultural production, including but
8 not limited to grain elevators, grain bins, and barns. The act
9 described in item (d) is a Class 4 felony if the damage to
10 property does not exceed \$10,000. The act described in item (g)
11 is a Class 4 felony. The acts described in items (a), (b), (c),
12 (e), and (f) are Class 4 felonies if the damage to property
13 exceeds \$300 but does not exceed \$10,000. The acts described in
14 items (a) through (f) are Class 3 felonies if the damage to
15 property exceeds \$300 but does not exceed \$10,000 if the damage
16 occurs to property of a law enforcement agency used for the
17 enforcement of the criminal and traffic laws and ordinances of
18 this State or a unit of local government or a school or place
19 of worship or to farm equipment or immovable items of
20 agricultural production, including but not limited to grain
21 elevators, grain bins, and barns. The acts described in items
22 (a) through (f) are Class 3 felonies if the damage to property
23 exceeds \$10,000 but does not exceed \$100,000. The acts
24 described in items (a) through (f) are Class 2 felonies if the
25 damage to property exceeds \$10,000 but does not exceed \$100,000
26 if the damage occurs to property of a law enforcement agency
27 used for the enforcement of the criminal and traffic laws and
28 ordinances of this State or a unit of local government or a
29 school or place of worship or to farm equipment or immovable
30 items of agricultural production, including but not limited to
31 grain elevators, grain bins, and barns. The acts described in
32 items (a) through (f) are Class 2 felonies if the damage to
33 property exceeds \$100,000. The acts described in items (a)
34 through (f) are Class 1 felonies if the damage to property
35 exceeds \$100,000 and the damage occurs to property of a law
36 enforcement agency used for the enforcement of the criminal and

1 traffic laws and ordinances of this State or a unit of local
2 government or a school or place of worship or to farm equipment
3 or immovable items of agricultural production, including but
4 not limited to grain elevators, grain bins, and barns. If the
5 damage to property exceeds \$10,000, the court shall impose upon
6 the offender a fine equal to the value of the damages to the
7 property.

8 For the purposes of this subsection (2), "farm equipment"
9 means machinery or other equipment used in farming and
10 "property of a law enforcement agency used for the enforcement
11 of the criminal and traffic laws and ordinances of this State
12 or a unit of local government" includes, but is not limited to,
13 a police vehicle, police dog or horse, or police surveillance
14 equipment or any other equipment used by a law enforcement
15 agency of this State or a unit of local government for the
16 enforcement of the criminal and traffic laws or ordinances of
17 this State or a unit of local government.

18 (3) In addition to any other sentence that may be imposed,
19 a court shall order any person convicted of criminal damage to
20 property to perform community service for not less than 30 and
21 not more than 120 hours, if community service is available in
22 the jurisdiction and is funded and approved by the county board
23 of the county where the offense was committed. In addition,
24 whenever any person is placed on supervision for an alleged
25 offense under this Section, the supervision shall be
26 conditioned upon the performance of the community service.

27 This subsection does not apply when the court imposes a
28 sentence of incarceration.

29 (Source: P.A. 94-509, eff. 8-9-05.)