

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Cemetery Protection Act is amended by  
5 changing Section 1 as follows:

6 (765 ILCS 835/1) (from Ch. 21, par. 15)

7 Sec. 1. (a) Any person who acts without proper legal  
8 authority and who willfully and knowingly destroys or damages  
9 the remains of a deceased human being or who desecrates human  
10 remains is guilty of a Class 3 felony.

11 (a-5) Any person who acts without proper legal authority  
12 and who willfully and knowingly removes any portion of the  
13 remains of a deceased human being from a burial ground where  
14 skeletal remains are buried or from a grave, crypt, vault,  
15 mausoleum, or other repository of human remains is guilty of a  
16 Class 4 felony.

17 (b) Any person who acts without proper legal authority and  
18 who willfully and knowingly:

19 (1) obliterates, vandalizes, or desecrates a burial  
20 ground where skeletal remains are buried or a grave, crypt,  
21 vault, mausoleum, or other repository of human remains;

22 (2) obliterates, vandalizes, or desecrates a park or  
23 other area clearly designated to preserve and perpetuate  
24 the memory of a deceased person or group of persons;

25 (3) obliterates, vandalizes, or desecrates plants,  
26 trees, shrubs, or flowers located upon or around a  
27 repository for human remains or within a human graveyard or  
28 cemetery; or

29 (4) obliterates, vandalizes, or desecrates a fence,  
30 rail, curb, or other structure of a similar nature intended  
31 for the protection or for the ornamentation of any tomb,  
32 monument, gravestone, or other structure of like

1 character;  
2 is guilty of a Class A misdemeanor if the amount of the damage  
3 is less than \$500, a Class 4 felony if the amount of the damage  
4 is at least \$500 and less than \$10,000, a Class 3 felony if the  
5 amount of the damage is at least \$10,000 and less than  
6 \$100,000, or a Class 2 felony if the damage is \$100,000 or more  
7 and shall provide restitution to the cemetery authority or  
8 property owner for the amount of any damage caused.

9 (b-5) Any person who acts without proper legal authority  
10 and who willfully and knowingly defaces, vandalizes, injures,  
11 or removes a gravestone or other memorial, monument, or marker  
12 commemorating a deceased person or group of persons, whether  
13 located within or outside of a recognized cemetery, memorial  
14 park, or battlefield is guilty of a Class 4 felony for damaging  
15 at least one but no more than 4 gravestones, a Class 3 felony  
16 for damaging at least 5 but no more than 10 gravestones, or a  
17 Class 2 felony for damaging more than 10 gravestones and shall  
18 provide restitution to the cemetery authority or property owner  
19 for the amount of any damage caused.

20 (b-7) Any person who acts without proper legal authority  
21 and who willfully and knowingly removes with the intent to  
22 resell a gravestone or other memorial, monument, or marker  
23 commemorating a deceased person or group of persons, whether  
24 located within or outside a recognized cemetery, memorial park,  
25 or battlefield, is guilty of a Class 2 felony.

26 (c) The provisions of this Section shall not apply to the  
27 removal or unavoidable breakage or injury by a cemetery  
28 authority of anything placed in or upon any portion of its  
29 cemetery in violation of any of the rules and regulations of  
30 the cemetery authority, nor to the removal of anything placed  
31 in the cemetery by or with the consent of the cemetery  
32 authority that in the judgment of the cemetery authority has  
33 become wrecked, unsightly, or dilapidated.

34 (d) If an unemancipated minor is found guilty of violating  
35 any of the provisions of subsection (b) of this Section and is  
36 unable to provide restitution to the cemetery authority or

1 property owner, the parents or legal guardians of that minor  
2 shall provide restitution to the cemetery authority or property  
3 owner for the amount of any damage caused, up to the total  
4 amount allowed under the Parental Responsibility Law.

5 (d-5) Any person who commits any of the following:

6 (1) any unauthorized, non-related third party or  
7 person who enters any sheds, crematories, or employee  
8 areas;

9 (2) any non-cemetery personnel who solicits cemetery  
10 mourners or funeral directors on the grounds or in the  
11 offices or chapels of a cemetery before, during, or after a  
12 burial;

13 (3) any person who harasses or threatens any employee  
14 of a cemetery on cemetery grounds; or

15 (4) any unauthorized person who removes, destroys, or  
16 disturbs any cemetery devices or property placed for safety  
17 of visitors and cemetery employees;

18 is guilty of a Class A misdemeanor for the first offense and of  
19 a Class 4 felony for a second or subsequent offense.

20 (e) Any person who shall hunt, shoot or discharge any gun,  
21 pistol or other missile, within the limits of any cemetery, or  
22 shall cause any shot or missile to be discharged into or over  
23 any portion thereof, or shall violate any of the rules made and  
24 established by the board of directors of such cemetery, for the  
25 protection or government thereof, is guilty of a Class C  
26 misdemeanor.

27 (f) Any person who knowingly enters or knowingly remains  
28 upon the premises of a public or private cemetery without  
29 authorization during hours that the cemetery is posted as  
30 closed to the public is guilty of a Class A misdemeanor.

31 (g) All fines when recovered, shall be paid over by the  
32 court or officer receiving the same to the cemetery association  
33 and be applied, as far as possible in repairing the injury, if  
34 any, caused by such offense. Provided, nothing contained in  
35 this Act shall deprive such cemetery association, or the owner  
36 of any lot or monument from maintaining an action for the

1 recovery of damages caused by any injury caused by a violation  
2 of the provisions of this Act, or of the rules established by  
3 the board of directors of such cemetery association. Nothing in  
4 this Section shall be construed to prohibit the discharge of  
5 firearms loaded with blank ammunition as part of any funeral,  
6 any memorial observance or any other patriotic or military  
7 ceremony.

8 (Source: P.A. 92-419, eff. 1-1-02.)

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.