

# HB4643



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB4643**

by Rep. Joseph M. Lyons

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/21-1.3

Amends the Criminal Code of 1961. Provides that for the purpose of determining the penalty for criminal defacement of property, the aggregate value of the properties defaced shall be added together when the offenses were committed as part of a single course of conduct. Effective immediately.

LRB095 16698 RLC 42730 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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 21-1.3 as follows:

6 (720 ILCS 5/21-1.3)

7 (Text of Section before amendment by P.A. 95-553)

8 Sec. 21-1.3. Criminal defacement of property.

9 (a) A person commits criminal defacement of property when  
10 the person knowingly damages the property of another without  
11 his or her consent by defacing, deforming, or otherwise  
12 damaging the property by the use of paint or any other similar  
13 substance, or by the use of a writing instrument, etching tool,  
14 or any other similar device.

15 (b) Criminal defacement of property is a Class A  
16 misdemeanor for a first offense if the aggregate value of the  
17 damage to the property does not exceed \$300. Criminal  
18 defacement of property is a Class 4 felony if the aggregate  
19 value of the damage to property does not exceed \$300 and the  
20 property damaged is a school building or place of worship.  
21 Criminal defacement of property is a Class 4 felony for a  
22 second or subsequent conviction or if the aggregate value of  
23 the damage to the property exceeds \$300. Criminal defacement of

1 property is a Class 3 felony if the aggregate value of the  
2 damage to property exceeds \$300 and the property damaged is a  
3 school building or place of worship. In addition to any other  
4 sentence that may be imposed for a violation of this Section  
5 that is chargeable as a Class 3 or Class 4 felony, a person  
6 convicted of criminal defacement of property shall be subject  
7 to a mandatory minimum fine of \$500 plus the actual costs  
8 incurred by the property owner or the unit of government to  
9 abate, remediate, repair, or remove the effect of the damage to  
10 the property. To the extent permitted by law, reimbursement for  
11 the costs of abatement, remediation, repair, or removal shall  
12 be payable to the person who incurred the costs. In addition to  
13 any other sentence that may be imposed, a court shall order any  
14 person convicted of criminal defacement of property to perform  
15 community service for not less than 30 and not more than 120  
16 hours, if community service is available in the jurisdiction.  
17 The community service shall include, but need not be limited  
18 to, the cleanup and repair of the damage to property that was  
19 caused by the offense, or similar damage to property located in  
20 the municipality or county in which the offense occurred. If  
21 the property damaged is a school building, the community  
22 service may include cleanup, removal, or painting over the  
23 defacement. In addition, whenever any person is placed on  
24 supervision for an alleged offense under this Section, the  
25 supervision shall be conditioned upon the performance of the  
26 community service. For the purposes of this subsection (b),

1 aggregate value shall be determined by adding the value of the  
2 damage to one or more properties if the offenses were committed  
3 as part of a single course of conduct.

4 (Source: P.A. 90-685, eff. 1-1-99; 91-360, eff. 7-29-99;  
5 91-931, eff. 6-1-01.)

6 (Text of Section after amendment by P.A. 95-553)

7 Sec. 21-1.3. Criminal defacement of property.

8 (a) A person commits criminal defacement of property when  
9 the person knowingly damages the property of another by  
10 defacing, deforming, or otherwise damaging the property by the  
11 use of paint or any other similar substance, or by the use of a  
12 writing instrument, etching tool, or any other similar device.  
13 It is an affirmative defense to a violation of this Section  
14 that the owner of the property damaged consented to such  
15 damage.

16 (b) Criminal defacement of property is a Class A  
17 misdemeanor for a first offense if the aggregate value of the  
18 damage to the property does not exceed \$300. Criminal  
19 defacement of property is a Class 4 felony if the aggregate  
20 value of the damage to property does not exceed \$300 and the  
21 property damaged is a school building or place of worship.  
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23 second or subsequent conviction or if the aggregate value of  
24 the damage to the property exceeds \$300. Criminal defacement of  
25 property is a Class 3 felony if the aggregate value of the

1 damage to property exceeds \$300 and the property damaged is a  
2 school building or place of worship. In addition to any other  
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24 supervision shall be conditioned upon the performance of the  
25 community service. For the purposes of this subsection (b),  
26 aggregate value shall be determined by adding the value of the

1 damage to one or more properties if the offenses were committed  
2 as part of a single course of conduct.

3 (Source: P.A. 95-553, eff. 6-1-08.)

4 Section 95. No acceleration or delay. Where this Act makes  
5 changes in a statute that is represented in this Act by text  
6 that is not yet or no longer in effect (for example, a Section  
7 represented by multiple versions), the use of that text does  
8 not accelerate or delay the taking effect of (i) the changes  
9 made by this Act or (ii) provisions derived from any other  
10 Public Act.

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.