

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.
22 Criminal defacement of property is a Class 4 felony for a
23 second or subsequent conviction or if the aggregate value of
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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
3 sentence that may be imposed for a violation of this Section
4 that is chargeable as a Class 3 or Class 4 felony, a person
5 convicted of criminal defacement of property shall be subject
6 to a mandatory minimum fine of \$500 plus the actual costs
7 incurred by the property owner or the unit of government to
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9 the property. To the extent permitted by law, reimbursement for
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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.