

HB0192



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0192

Introduced 1/14/2009, 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.

LRB096 03313 RLC 13332 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 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

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

1 community service. For the purposes of this subsection (b),
2 aggregate value shall be determined by adding the value of the
3 damage to one or more properties if the offenses were committed
4 as part of a single course of conduct.

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

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.