

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.