



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4177

Introduced 2/27/2009, by Rep. Michael K. Smith

SYNOPSIS AS INTRODUCED:

720 ILCS 5/21-1

from Ch. 38, par. 21-1

Amends the Criminal Code of 1961. Provides that in addition to any criminal penalties imposed for criminal damage to property, if a person is convicted of or placed on supervision for knowingly damaging or destroying crops of another, including crops intended for personal, commercial, research, or developmental purposes, the person is liable in a civil action to the owner of any crops damaged or destroyed for money damages up to twice the market value of the crops damaged or destroyed. Effective July 1, 2009.

LRB096 09833 RLC 19996 b

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 as follows:

6 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

7 Sec. 21-1. Criminal damage to property.

8 (1) A person commits an illegal act when he:

9 (a) knowingly damages any property of another; or

10 (b) recklessly by means of fire or explosive damages
11 property of another; or

12 (c) knowingly starts a fire on the land of another; or

13 (d) knowingly injures a domestic animal of another
14 without his consent; or

15 (e) knowingly deposits on the land or in the building
16 of another any stink bomb or any offensive smelling
17 compound and thereby intends to interfere with the use by
18 another of the land or building; or

19 (f) damages any property, other than as described in
20 subsection (b) of Section 20-1, with intent to defraud an
21 insurer; or

22 (g) knowingly shoots a firearm at any portion of a
23 railroad train.

1 When the charge of criminal damage to property exceeding a
2 specified value is brought, the extent of the damage is an
3 element of the offense to be resolved by the trier of fact as
4 either exceeding or not exceeding the specified value.

5 It is an affirmative defense to a violation of item (a),
6 (c), or (e) of this Section that the owner of the property or
7 land damaged consented to such damage.

8 (2) The acts described in items (a), (b), (c), (e), and (f)
9 are Class A misdemeanors if the damage to property does not
10 exceed \$300. The acts described in items (a), (b), (c), (e),
11 and (f) are Class 4 felonies if the damage to property does not
12 exceed \$300 if the damage occurs to property of a school or
13 place of worship or to farm equipment or immovable items of
14 agricultural production, including but not limited to grain
15 elevators, grain bins, and barns. The act described in item (d)
16 is a Class 4 felony if the damage to property does not exceed
17 \$10,000. The act described in item (g) is a Class 4 felony. The
18 acts described in items (a), (b), (c), (e), and (f) are Class 4
19 felonies if the damage to property exceeds \$300 but does not
20 exceed \$10,000. The acts described in items (a) through (f) are
21 Class 3 felonies if the damage to property exceeds \$300 but
22 does not exceed \$10,000 if the damage occurs to property of a
23 school or place of worship or to farm equipment or immovable
24 items of agricultural production, including but not limited to
25 grain elevators, grain bins, and barns. The acts described in
26 items (a) through (f) are Class 3 felonies if the damage to

1 property exceeds \$10,000 but does not exceed \$100,000. The acts
2 described in items (a) through (f) are Class 2 felonies if the
3 damage to property exceeds \$10,000 but does not exceed \$100,000
4 if the damage occurs to property of a school or place of
5 worship or to farm equipment or immovable items of agricultural
6 production, including but not limited to grain elevators, grain
7 bins, and barns. The acts described in items (a) through (f)
8 are Class 2 felonies if the damage to property exceeds
9 \$100,000. The acts described in items (a) through (f) are Class
10 1 felonies if the damage to property exceeds \$100,000 and the
11 damage occurs to property of a school or place of worship or to
12 farm equipment or immovable items of agricultural production,
13 including but not limited to grain elevators, grain bins, and
14 barns. If the damage to property exceeds \$10,000, the court
15 shall impose upon the offender a fine equal to the value of the
16 damages to the property.

17 For the purposes of this subsection (2), "farm equipment"
18 means machinery or other equipment used in farming.

19 (3) In addition to any other sentence that may be imposed,
20 a court shall order any person convicted of criminal damage to
21 property to perform community service for not less than 30 and
22 not more than 120 hours, if community service is available in
23 the jurisdiction and is funded and approved by the county board
24 of the county where the offense was committed. In addition,
25 whenever any person is placed on supervision for an alleged
26 offense under this Section, the supervision shall be

1 conditioned upon the performance of the community service.

2 This subsection does not apply when the court imposes a
3 sentence of incarceration.

4 (4) In addition to any criminal penalties imposed for a
5 violation of this Section, if a person is convicted of or
6 placed on supervision for knowingly damaging or destroying
7 crops of another, including crops intended for personal,
8 commercial, research, or developmental purposes, the person is
9 liable in a civil action to the owner of any crops damaged or
10 destroyed for money damages up to twice the market value of the
11 crops damaged or destroyed.

12 (Source: P.A. 94-509, eff. 8-9-05; 95-553, eff. 6-1-08.)

13 Section 99. Effective date. This Act takes effect July 1,
14 2009.