

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 18c-7502 as follows:

6 (625 ILCS 5/18c-7502) (from Ch. 95 1/2, par. 18c-7502)

7 Sec. 18c-7502. Malicious removal of or damage to railroad
8 property or freight.

9 (a) Malicious removal of or damage to railroad property or
10 freight.

11 A person is guilty of an offense if he or she is found to
12 have:

13 (i) removed, taken, stolen, changed, added to, taken
14 from, or in any manner changed, defaced, or interfered with
15 any of the parts or attachments of any locomotive or car,
16 or any plant or property used in or in connection with the
17 operation of any railroad carrier, locomotive, car, or
18 train, or shoots, throws, or drops any object onto or at
19 any train, locomotive, or car;

20 (ii) willfully and with intent to permanently deprive
21 the owner thereof, taken or removed railroad freight from
22 any freight car, including a boxcar, container, or flatbed;

23 ~~or~~

1 (iii) bought or received any of the railroad freight
2 described in item (ii), having reason to know that such
3 freight was stolen; or -

4 (iv) willfully placed upon an active railroad track or
5 railroad right of way any object or objects that would
6 adversely affect safe railroad operations.

7 (b) Penalties.

8 (1) If the railroad property damage does not exceed
9 \$500 and no bodily injury occurs to another as a result
10 of a violation of this Section, the person shall be
11 guilty of a Class A misdemeanor. Upon being found in
12 violation of item (i) of subsection (a), the person
13 shall, in addition to such other sanctions as may be
14 deemed appropriate by the court, be subject to pay the
15 railroad carrier involved the cost to repair any
16 railroad property damaged, and to perform community
17 service for not less than 30 hours or more than 120
18 hours. If community service is not available in the
19 jurisdiction where the offense was committed, that
20 person shall be subject to pay a fine of not less than
21 \$150 or more than \$1,000, or imprisonment for not less
22 than 5 days or more than 1 year, or both. If railroad
23 property damage exceeds \$500 or bodily injury occurs to
24 another as a result of a violation of this Section, the
25 person shall be guilty of a Class 4 felony. Upon being
26 found in violation of item (i) of subsection (a), the

1 person shall, in addition to such other sanctions as
2 may be deemed appropriate by the court, be subject to
3 pay the railroad carrier involved for the cost to
4 repair any railroad property damaged, and shall be
5 fined not less than \$1,000, nor more than \$25,000, or
6 imprisonment for not less than 1 year, or more than 3
7 years, or both. If serious bodily injury or death
8 occurs to another as a result of a violation of item
9 (i) of subsection (a), the person shall be guilty of a
10 Class 2 felony and shall, in addition to such sanctions
11 as may be deemed appropriate by the court, be subject
12 to pay the railroad carrier involved the cost to repair
13 any railroad property damaged, and shall be fined not
14 less than \$5,000 nor more than \$25,000, or imprisonment
15 for not less than 3 years nor more than 7 years, or
16 both. If any such action is malicious and is the cause
17 of wrecking any train, locomotive, or car in this State
18 whereby the life of any person is lost, the person
19 found guilty thereof shall be liable for first degree
20 murder and the person shall be subject to pay the
21 railroad carrier involved the cost to repair any
22 railroad property damaged.

23 (2) Upon being found in violation of item (ii), ~~or~~
24 (iii), or (iv) the person shall be guilty of a Class 4
25 felony. In addition to such other sanctions as may be
26 deemed appropriate by the court, the person shall be

1 subject to pay the railroad carrier involved for the
2 cost to repair any railroad property damaged, and shall
3 be fined not less than \$1,000, nor more than \$25,000,
4 or imprisoned for not less than 1 year nor more than 3
5 years.

6 (3) Local authorities shall impose fines as
7 established in this subsection (b) for persons found in
8 violation of this Section or any similar local
9 ordinance.

10 (c) Definitions. As used in this Section:

11 "Bodily injury" means:

12 (i) a cut, abrasion, bruise, bump, or disfigurement;

13 (ii) physical pain;

14 (iii) illness;

15 (iv) impairment of the function of a bodily member,
16 organ, or mental faculty; or

17 (v) any other injury to the body, no matter how
18 temporary.

19 "Railroad" means any form of nonhighway ground
20 transportation that runs on rails or electromagnetic
21 guideways, including:

22 (i) commuter or other short-haul railroad passenger
23 service in a metropolitan or urban area; and

24 (ii) high-speed ground transportation systems that
25 connect metropolitan areas, but does not include rapid
26 transit operations in an urban area that are not connected

1 to the general railroad system of transportation.

2 "Railroad carrier" means a person providing railroad
3 transportation.

4 "Railroad property" means all tangible property owned,
5 leased, or operated by a railroad carrier including a right of
6 way, track, bridge, yard, shop, station, tunnel, viaduct,
7 trestle, depot, warehouse, terminal, or any other structure,
8 appurtenance, or equipment owned, leased, or used in the
9 operation of any railroad carrier including trains,
10 locomotives, engines, railroad cars, work equipment, rolling
11 stock, or safety devices. "Railroad property" does not include
12 a railroad carrier's administrative buildings or offices,
13 office equipment, or intangible property such as software or
14 other information.

15 "Right of way" means the track or roadbed owned, leased, or
16 operated by a rail carrier that is located on either side of
17 its tracks and that is readily recognizable to a reasonable
18 person as being railroad property or is reasonably identified
19 as such by fencing or appropriate signs.

20 "Yard" means a system of parallel tracks, crossovers, and
21 switches where railroad cars are switched and made up into
22 trains, and where railroad cars, locomotives, and other rolling
23 stock is kept when not in use or when awaiting repair.

24 "Serious bodily injury" means bodily injury that involves:

25 (i) a substantial risk of death;

26 (ii) extreme physical pain;

- 1 (iii) protracted and obvious disfigurement; or
- 2 (iv) protracted loss or impairment of the function of a
- 3 bodily member, organ, or mental faculty.
- 4 (Source: P.A. 90-691, eff. 1-1-99; 91-532, eff. 1-1-00.)