



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB0102

Introduced 1/12/2011, by Rep. Jack D. Franks

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/21-1

from Ch. 38, par. 21-1

Amends the Criminal Code of 1961 relating to the offense of criminal damage to property. Defines "property of another" to mean a building or other property, whether real or personal, in which a person other than the offender has an interest which the offender has no authority to defeat or impair, even though the offender may also have an interest in the building or property. Effective immediately.

LRB097 05569 RLC 45631 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 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           For the purposes of this subsection (1), "property of  
9 another" means a building or other property, whether real or  
10 personal, in which a person other than the offender has an  
11 interest which the offender has no authority to defeat or  
12 impair, even though the offender may also have an interest in  
13 the building or property.

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

1 Class 3 felonies if the damage to property exceeds \$300 but  
2 does not exceed \$10,000 if the damage occurs to property of a  
3 school or place of worship or to farm equipment or immovable  
4 items of agricultural production, including but not limited to  
5 grain elevators, grain bins, and barns. The acts described in  
6 items (a) through (f) are Class 3 felonies if the damage to  
7 property exceeds \$10,000 but does not exceed \$100,000. The acts  
8 described in items (a) through (f) are Class 2 felonies if the  
9 damage to property exceeds \$10,000 but does not exceed \$100,000  
10 if the damage occurs to property of a school or place of  
11 worship or to farm equipment or immovable items of agricultural  
12 production, including but not limited to grain elevators, grain  
13 bins, and barns. The acts described in items (a) through (f)  
14 are Class 2 felonies if the damage to property exceeds  
15 \$100,000. The acts described in items (a) through (f) are Class  
16 1 felonies if the damage to property exceeds \$100,000 and the  
17 damage occurs to property of a school or place of worship or to  
18 farm equipment or immovable items of agricultural production,  
19 including but not limited to grain elevators, grain bins, and  
20 barns. If the damage to property exceeds \$10,000, the court  
21 shall impose upon the offender a fine equal to the value of the  
22 damages to the property.

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

25 (3) In addition to any other sentence that may be imposed,  
26 a court shall order any person convicted of criminal damage to

1 property to perform community service for not less than 30 and  
2 not more than 120 hours, if community service is available in  
3 the jurisdiction and is funded and approved by the county board  
4 of the county where the offense was committed. In addition,  
5 whenever any person is placed on supervision for an alleged  
6 offense under this Section, the supervision shall be  
7 conditioned upon the performance of the community service.

8 This subsection does not apply when the court imposes a  
9 sentence of incarceration.

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

18 (Source: P.A. 95-553, eff. 6-1-08; 96-529, eff. 8-14-09.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.