

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 21-3 as follows:

6 (720 ILCS 5/21-3) (from Ch. 38, par. 21-3)

7 Sec. 21-3. Criminal trespass to real property.

8 (a) Except as provided in subsection (a-5), whoever:

9 (1) knowingly and without lawful authority enters or
10 remains within or on a building; or

11 (2) enters upon the land of another, after receiving,
12 prior to such entry, notice from the owner or occupant that
13 such entry is forbidden; or

14 (3) remains upon the land of another, after receiving
15 notice from the owner or occupant to depart; or

16 (3.5) presents false documents or falsely represents
17 his or her identity orally to the owner or occupant of a
18 building or land in order to obtain permission from the
19 owner or occupant to enter or remain in the building or on
20 the land;

21 commits a Class B misdemeanor.

22 For purposes of item (1) of this subsection, this Section
23 shall not apply to being in a building which is open to the

1 public while the building is open to the public during its
2 normal hours of operation; nor shall this Section apply to a
3 person who enters a public building under the reasonable belief
4 that the building is still open to the public.

5 (a-5) Except as otherwise provided in this subsection,
6 whoever enters upon any of the following areas in or on a motor
7 vehicle (including an off-road vehicle, motorcycle, moped, or
8 any other powered two-wheel vehicle) after receiving, prior to
9 that entry, notice from the owner or occupant that the entry is
10 forbidden or remains upon or in the area after receiving notice
11 from the owner or occupant to depart commits a Class A
12 misdemeanor:

13 (1) A field that is used for growing crops or that is
14 capable of being used for growing crops.

15 (2) An enclosed area containing livestock.

16 (3) An orchard.

17 (4) A barn or other agricultural building containing
18 livestock.

19 (b) A person has received notice from the owner or occupant
20 within the meaning of Subsection (a) if he has been notified
21 personally, either orally or in writing including a valid court
22 order as defined by subsection (7) of Section 112A-3 of the
23 Code of Criminal Procedure of 1963 granting remedy (2) of
24 subsection (b) of Section 112A-14 of that Code, or if a printed
25 or written notice forbidding such entry has been conspicuously
26 posted or exhibited at the main entrance to such land or the

1 forbidden part thereof.

2 (b-5) Subject to the provisions of subsection (b-10), as an
3 alternative to the posting of real property as set forth in
4 subsection (b), the owner or lessee of any real property may
5 post the property by placing identifying purple marks on trees
6 or posts around the area to be posted. Each purple mark shall
7 be:

8 (1) A vertical line of at least 8 inches in length and the
9 bottom of the mark shall be no less than 3 feet nor more than 5
10 feet high. Such marks shall be placed no more than 100 feet
11 apart and shall be readily visible to any person approaching
12 the property; or

13 (2) A post capped or otherwise marked on at least its top 2
14 inches. The bottom of the cap or mark shall be not less than 3
15 feet but not more than 5 feet 6 inches high. Posts so marked
16 shall be placed not more than 36 feet apart and shall be
17 readily visible to any person approaching the property. Prior
18 to applying a cap or mark which is visible from both sides of a
19 fence shared by different property owners or lessees, all such
20 owners or lessees shall concur in the decision to post their
21 own property.

22 Nothing in this subsection (b-5) shall be construed to
23 authorize the owner or lessee of any real property to place any
24 purple marks on any tree or post or to install any post or
25 fence if doing so would violate any applicable law, rule,
26 ordinance, order, covenant, bylaw, declaration, regulation,

1 restriction, contract, or instrument.

2 (b-10) Any owner or lessee who marks his or her real
3 property using the method described in subsection (b-5) must
4 also provide notice as described in subsection (b) of this
5 Section. The public of this State shall be informed of the
6 provisions of subsection (b-5) of this Section by the Illinois
7 Department of Agriculture and the Illinois Department of
8 Natural Resources. These Departments shall conduct an
9 information campaign for the general public concerning the
10 interpretation and implementation of subsection (b-5). The
11 information shall inform the public about the marking
12 requirements and the applicability of subsection (b-5)
13 including information regarding the size requirements of the
14 markings as well as the manner in which the markings shall be
15 displayed. The Departments shall also include information
16 regarding the requirement that, until the date this subsection
17 becomes inoperative, any owner or lessee who chooses to mark
18 his or her property using paint, must also comply with one of
19 the notice requirements listed in subsection (b). The
20 Departments may prepare a brochure or may disseminate the
21 information through agency websites. Non-governmental
22 organizations including, but not limited to, the Illinois
23 Forestry Association, Illinois Tree Farm and the Walnut Council
24 may help to disseminate the information regarding the
25 requirements and applicability of subsection (b-5) based on
26 materials provided by the Departments. This subsection (b-10)

1 is inoperative on and after January 1, 2013.

2 (b-15) Subsections (b-5) and (b-10) do not apply to real
3 property located in a municipality of over 2,000,000
4 inhabitants.

5 (c) This Section does not apply to any person, whether a
6 migrant worker or otherwise, living on the land with permission
7 of the owner or of his agent having apparent authority to hire
8 workers on such land and assign them living quarters or a place
9 of accommodations for living thereon, nor to anyone living on
10 such land at the request of, or by occupancy, leasing or other
11 agreement or arrangement with the owner or his agent, nor to
12 anyone invited by such migrant worker or other person so living
13 on such land to visit him at the place he is so living upon the
14 land.

15 (d) A person shall be exempt from prosecution under this
16 Section if he beautifies unoccupied and abandoned residential
17 and industrial properties located within any municipality. For
18 the purpose of this subsection, "unoccupied and abandoned
19 residential and industrial property" means any real estate (1)
20 in which the taxes have not been paid for a period of at least 2
21 years; and (2) which has been left unoccupied and abandoned for
22 a period of at least one year; and "beautifies" means to
23 landscape, clean up litter, or to repair dilapidated conditions
24 on or to board up windows and doors.

25 (e) No person shall be liable in any civil action for money
26 damages to the owner of unoccupied and abandoned residential

1 and industrial property which that person beautifies pursuant
2 to subsection (d) of this Section.

3 (f) This Section does not prohibit a person from entering a
4 building or upon the land of another for emergency purposes.
5 For purposes of this subsection (f), "emergency" means a
6 condition or circumstance in which an individual is or is
7 reasonably believed by the person to be in imminent danger of
8 serious bodily harm or in which property is or is reasonably
9 believed to be in imminent danger of damage or destruction.

10 (g) Paragraph (3.5) of subsection (a) does not apply to a
11 peace officer or other official of a unit of government who
12 enters a building or land in the performance of his or her
13 official duties.

14 (h) A person may be liable in any civil action for money
15 damages to the owner of the land he or she entered upon with a
16 motor vehicle as prohibited under subsection (a-5) of this
17 Section. A person may also be liable to the owner for court
18 costs and reasonable attorney's fees. The measure of damages
19 shall be: (i) the actual damages, but not less than \$250, if
20 the vehicle is operated in a nature preserve or registered area
21 as defined in Sections 3.11 and 3.14 of the Illinois Natural
22 Areas Preservation Act; (ii) twice the actual damages if the
23 owner has previously notified the person to cease trespassing;
24 or (iii) in any other case, the actual damages, but not less
25 than \$50. If the person operating the vehicle is under the age
26 of 16, the owner of the vehicle and the parent or legal

1 guardian of the minor are jointly and severally liable. For the
2 purposes of this subsection (h):

3 "Land" includes, but is not limited to, land used for
4 crop land, fallow land, orchard, pasture, feed lot, timber
5 land, prairie land, mine spoil nature preserves and
6 registered areas. "Land" does not include driveways or
7 private roadways upon which the owner allows the public to
8 drive.

9 "Owner" means the person who has the right to
10 possession of the land, including the owner, operator or
11 tenant.

12 "Vehicle" has the same meaning as provided under
13 Section 1-217 of the Illinois Vehicle Code.

14 (Source: P.A. 94-263, eff. 1-1-06; 94-509, eff. 8-9-05; 94-512,
15 eff. 1-1-06; 95-331, eff. 8-21-07.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.