

HB4103



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4103

by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

720 ILCS 5/21-1.2

from Ch. 38, par. 21-1.2

Amends the Criminal Code of 2012. Makes a technical change in a Section concerning the offense of institutional vandalism.

LRB098 15661 RLC 50692 b

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 2012 is amended by changing
5 Section 21-1.2 as follows:

6 (720 ILCS 5/21-1.2) (from Ch. 38, par. 21-1.2)

7 Sec. 21-1.2. Institutional vandalism.

8 (a) A person commits institutional vandalism when, by
9 reason of the ~~the~~ actual or perceived race, color, creed,
10 religion or national origin of another individual or group of
11 individuals, regardless of the existence of any other
12 motivating factor or factors, he or she knowingly and without
13 consent inflicts damage to any of the following properties:

14 (1) A church, synagogue, mosque, or other building,
15 structure or place used for religious worship or other
16 religious purpose;

17 (2) A cemetery, mortuary, or other facility used for
18 the purpose of burial or memorializing the dead;

19 (3) A school, educational facility or community
20 center;

21 (4) The grounds adjacent to, and owned or rented by,
22 any institution, facility, building, structure or place
23 described in paragraphs (1), (2) or (3) of this subsection

1 (a); or

2 (5) Any personal property contained in any
3 institution, facility, building, structure or place
4 described in paragraphs (1), (2) or (3) of this subsection
5 (a).

6 (b) Sentence.

7 (1) Institutional vandalism is a Class 3 felony when
8 the damage to the property does not exceed \$300.
9 Institutional vandalism is a Class 2 felony when the damage
10 to the property exceeds \$300. Institutional vandalism is a
11 Class 2 felony for any second or subsequent offense.

12 (2) Upon imposition of any sentence, the trial court
13 shall also either order restitution paid to the victim or
14 impose a fine up to \$1,000. In addition, any order of
15 probation or conditional discharge entered following a
16 conviction or an adjudication of delinquency shall include
17 a condition that the offender perform public or community
18 service of no less than 200 hours if that service is
19 established in the county where the offender was convicted
20 of institutional vandalism. The court may also impose any
21 other condition of probation or conditional discharge
22 under this Section.

23 (c) Independent of any criminal prosecution or the result
24 of that prosecution, a person suffering damage to property or
25 injury to his or her person as a result of institutional
26 vandalism may bring a civil action for damages, injunction or

1 other appropriate relief. The court may award actual damages,
2 including damages for emotional distress, or punitive damages.
3 A judgment may include attorney's fees and costs. The parents
4 or legal guardians of an unemancipated minor, other than
5 guardians appointed under the Juvenile Court Act or the
6 Juvenile Court Act of 1987, shall be liable for the amount of
7 any judgment for actual damages rendered against the minor
8 under this subsection in an amount not exceeding the amount
9 provided under Section 5 of the Parental Responsibility Law.
10 (Source: P.A. 97-1108, eff. 1-1-13.)