

SB2231



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2231

Introduced 2/15/2013, by Sen. Kwame Raoul

SYNOPSIS AS INTRODUCED:

720 ILCS 5/21-1

from Ch. 38, par. 21-1

720 ILCS 5/21-1.3

Amends the Criminal Code of 2012. Provides for enhanced penalties for criminal damage to property and criminal defacement of property if the property damaged or defaced are individual graves, gravestones, or markers or property which memorializes or honors a person or group, including police officers, fire fighters, veterans, or historic figures.

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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 2012 is amended by changing
5 Sections 21-1 and 21-1.3 as follows:

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

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

8 (a) A person commits criminal damage to property when he or
9 she:

10 (1) knowingly damages any property of another;

11 (2) recklessly by means of fire or explosive damages
12 property of another;

13 (3) knowingly starts a fire on the land of another;

14 (4) knowingly injures a domestic animal of another
15 without his or her consent;

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

20 (6) knowingly damages any property, other than as
21 described in paragraph (2) of subsection (a) of Section
22 20-1, with intent to defraud an insurer;

23 (7) knowingly shoots a firearm at any portion of a

1 railroad train;

2 (8) knowingly, without proper authorization, cuts,
3 injures, damages, defaces, destroys, or tampers with any
4 fire hydrant or any public or private fire fighting
5 equipment, or any apparatus appertaining to fire fighting
6 equipment; or

7 (9) intentionally, without proper authorization, opens
8 any fire hydrant.

9 (b) When the charge of criminal damage to property
10 exceeding a specified value is brought, the extent of the
11 damage is an element of the offense to be resolved by the trier
12 of fact as either exceeding or not exceeding the specified
13 value.

14 (c) It is an affirmative defense to a violation of
15 paragraph (1), (3), or (5) of subsection (a) of this Section
16 that the owner of the property or land damaged consented to the
17 damage.

18 (d) Sentence.

19 (1) A violation of subsection (a) shall have the
20 following penalties:

21 (A) A violation of paragraph (8) or (9) is a Class
22 B misdemeanor.

23 (B) A violation of paragraph (1), (2), (3), (5), or
24 (6) is a Class A misdemeanor when the damage to
25 property does not exceed \$300.

26 (C) A violation of paragraph (1), (2), (3), (5),

1 or (6) is a Class 4 felony when the damage to property
2 does not exceed \$300 and the damage occurs to property
3 of a school or place of worship or to farm equipment or
4 immovable items of agricultural production, including
5 but not limited to grain elevators, grain bins, and
6 barns or individual graves, gravestones, or markers or
7 property which memorializes or honors a person or
8 group, including police officers, fire fighters,
9 veterans, or historic figures.

10 (D) A violation of paragraph (4) is a Class 4
11 felony when the damage to property does not exceed
12 \$10,000.

13 (E) A violation of paragraph (7) is a Class 4
14 felony.

15 (F) A violation of paragraph (1), (2), (3), (5) or
16 (6) is a Class 4 felony when the damage to property
17 exceeds \$300 but does not exceed \$10,000.

18 (G) A violation of paragraphs (1) through (6) is a
19 Class 3 felony when the damage to property exceeds \$300
20 but does not exceed \$10,000 and the damage occurs to
21 property of a school or place of worship or to farm
22 equipment or immovable items of agricultural
23 production, including but not limited to grain
24 elevators, grain bins, and barns or individual graves,
25 gravestones, or markers or property which memorializes
26 or honors a person or group, including police officers,

1 fire fighters, veterans, or historic figures.

2 (H) A violation of paragraphs (1) through (6) is a
3 Class 3 felony when the damage to property exceeds
4 \$10,000 but does not exceed \$100,000.

5 (I) A violation of paragraphs (1) through (6) is a
6 Class 2 felony when the damage to property exceeds
7 \$10,000 but does not exceed \$100,000 and the damage
8 occurs to property of a school or place of worship or
9 to farm equipment or immovable items of agricultural
10 production, including but not limited to grain
11 elevators, grain bins, and barns or individual graves,
12 gravestones, or markers or property which memorializes
13 or honors a person or group, including police officers,
14 fire fighters, veterans, or historic figures.

15 (J) A violation of paragraphs (1) through (6) is a
16 Class 2 felony when the damage to property exceeds
17 \$100,000. A violation of paragraphs (1) through (6) is
18 a Class 1 felony when the damage to property exceeds
19 \$100,000 and the damage occurs to property of a school
20 or place of worship or to farm equipment or immovable
21 items of agricultural production, including but not
22 limited to grain elevators, grain bins, and barns or
23 individual graves, gravestones, or markers or property
24 which memorializes or honors a person or group,
25 including police officers, fire fighters, veterans, or
26 historic figures.

1 (2) When the damage to property exceeds \$10,000, the
2 court shall impose upon the offender a fine equal to the
3 value of the damages to the property.

4 (3) In addition to any other sentence that may be
5 imposed, a court shall order any person convicted of
6 criminal damage to property to perform community service
7 for not less than 30 and not more than 120 hours, if
8 community service is available in the jurisdiction and is
9 funded and approved by the county board of the county where
10 the offense was committed. In addition, whenever any person
11 is placed on supervision for an alleged offense under this
12 Section, the supervision shall be conditioned upon the
13 performance of the community service.

14 The community service requirement does not apply when
15 the court imposes a sentence of incarceration.

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

24 (5) For the purposes of this subsection (d), "farm
25 equipment" means machinery or other equipment used in
26 farming.

1 (Source: P.A. 96-529, eff. 8-14-09; 97-1108, eff. 1-1-13.)

2 (720 ILCS 5/21-1.3)

3 Sec. 21-1.3. Criminal defacement of property.

4 (a) A person commits criminal defacement of property when
5 the person knowingly damages the property of another by
6 defacing, deforming, or otherwise damaging the property by the
7 use of paint or any other similar substance, or by the use of a
8 writing instrument, etching tool, or any other similar device.
9 It is an affirmative defense to a violation of this Section
10 that the owner of the property damaged consented to such
11 damage.

12 (b) Sentence.

13 (1) Criminal defacement of property is a Class A
14 misdemeanor for a first offense when the aggregate value of the
15 damage to the property does not exceed \$300. Criminal
16 defacement of property is a Class 4 felony when the aggregate
17 value of the damage to property does not exceed \$300 and the
18 property damaged is a school building or place of worship or
19 individual graves, gravestones, or markers or property which
20 memorializes or honors a person or group, including police
21 officers, fire fighters, veterans, or historic figures.

22 Criminal defacement of property is a Class 4 felony for a
23 second or subsequent conviction or when the aggregate value of
24 the damage to the property exceeds \$300. Criminal defacement of
25 property is a Class 3 felony when the aggregate value of the

1 damage to property exceeds \$300 and the property damaged is a
2 school building or place of worship or individual graves,
3 gravestones, or markers or property which memorializes or
4 honors a person or group, including police officers, fire
5 fighters, veterans, or historic figures.

6 (2) In addition to any other sentence that may be imposed
7 for a violation of this Section that is chargeable as a Class 3
8 or Class 4 felony, a person convicted of criminal defacement of
9 property shall be subject to a mandatory minimum fine of \$500
10 plus the actual costs incurred by the property owner or the
11 unit of government to abate, remediate, repair, or remove the
12 effect of the damage to the property. To the extent permitted
13 by law, reimbursement for the costs of abatement, remediation,
14 repair, or removal shall be payable to the person who incurred
15 the costs.

16 (3) In addition to any other sentence that may be imposed,
17 a court shall order any person convicted of criminal defacement
18 of property to perform community service for not less than 30
19 and not more than 120 hours, if community service is available
20 in the jurisdiction. The community service shall include, but
21 need not be limited to, the cleanup and repair of the damage to
22 property that was caused by the offense, or similar damage to
23 property located in the municipality or county in which the
24 offense occurred. When the property damaged is a school
25 building, the community service may include cleanup, removal,
26 or painting over the defacement. In addition, whenever any

1 person is placed on supervision for an alleged offense under
2 this Section, the supervision shall be conditioned upon the
3 performance of the community service.

4 (4) For the purposes of this subsection (b), aggregate
5 value shall be determined by adding the value of the damage to
6 one or more properties if the offenses were committed as part
7 of a single course of conduct.

8 (Source: P.A. 96-499, eff. 8-14-09; 97-1108, eff. 1-1-13.)