



Sen. Kwame Raoul

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1 AMENDMENT TO SENATE BILL 2231

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2231 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by  
5 changing 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

1 of another any stink bomb or any offensive smelling  
2 compound and thereby intends to interfere with the use by  
3 another of the land or building;

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

7 (7) knowingly shoots a firearm at any portion of a  
8 railroad train;

9 (8) knowingly, without proper authorization, cuts,  
10 injures, damages, defaces, destroys, or tampers with any  
11 fire hydrant or any public or private fire fighting  
12 equipment, or any apparatus appertaining to fire fighting  
13 equipment; or

14 (9) intentionally, without proper authorization, opens  
15 any fire hydrant.

16 (b) When the charge of criminal damage to property  
17 exceeding a specified value is brought, the extent of the  
18 damage is an element of the offense to be resolved by the trier  
19 of fact as either exceeding or not exceeding the specified  
20 value.

21 (c) It is an affirmative defense to a violation of  
22 paragraph (1), (3), or (5) of subsection (a) of this Section  
23 that the owner of the property or land damaged consented to the  
24 damage.

25 (d) Sentence.

26 (1) A violation of subsection (a) shall have the

1 following penalties:

2 (A) A violation of paragraph (8) or (9) is a Class  
3 B misdemeanor.

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

7 (C) A violation of paragraph (1), (2), (3), (5),  
8 or (6) is a Class 4 felony when the damage to property  
9 does not exceed \$300 and the damage occurs to property  
10 of a school or place of worship or to farm equipment or  
11 immovable items of agricultural production, including  
12 but not limited to grain elevators, grain bins, and  
13 barns or property which memorializes or honors an  
14 individual or group of police officers, fire fighters,  
15 members of the United States Armed Forces, National  
16 Guard, or veterans.

17 (D) A violation of paragraph (4) is a Class 4  
18 felony when the damage to property does not exceed  
19 \$10,000.

20 (E) A violation of paragraph (7) is a Class 4  
21 felony.

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

25 (G) A violation of paragraphs (1) through (6) is a  
26 Class 3 felony when the damage to property exceeds \$300

1 but does not exceed \$10,000 and the damage occurs to  
2 property of a school or place of worship or to farm  
3 equipment or immovable items of agricultural  
4 production, including but not limited to grain  
5 elevators, grain bins, and barns or property which  
6 memorializes or honors an individual or group of police  
7 officers, fire fighters, members of the United States  
8 Armed Forces, National Guard, or veterans.

9 (H) A violation of paragraphs (1) through (6) is a  
10 Class 3 felony when the damage to property exceeds  
11 \$10,000 but does not exceed \$100,000.

12 (I) A violation of paragraphs (1) through (6) is a  
13 Class 2 felony when the damage to property exceeds  
14 \$10,000 but does not exceed \$100,000 and the damage  
15 occurs to property of a school or place of worship or  
16 to farm equipment or immovable items of agricultural  
17 production, including but not limited to grain  
18 elevators, grain bins, and barns or property which  
19 memorializes or honors an individual or group of police  
20 officers, fire fighters, members of the United States  
21 Armed Forces, National Guard, or veterans.

22 (J) A violation of paragraphs (1) through (6) is a  
23 Class 2 felony when the damage to property exceeds  
24 \$100,000. A violation of paragraphs (1) through (6) is  
25 a Class 1 felony when the damage to property exceeds  
26 \$100,000 and the damage occurs to property of a school

1 or place of worship or to farm equipment or immovable  
2 items of agricultural production, including but not  
3 limited to grain elevators, grain bins, and barns or  
4 property which memorializes or honors an individual or  
5 group of police officers, fire fighters, members of the  
6 United States Armed Forces, National Guard, or  
7 veterans.

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

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

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

23 (4) In addition to any criminal penalties imposed for a  
24 violation of this Section, if a person is convicted of or  
25 placed on supervision for knowingly damaging or destroying  
26 crops of another, including crops intended for personal,

1 commercial, research, or developmental purposes, the  
2 person is liable in a civil action to the owner of any  
3 crops damaged or destroyed for money damages up to twice  
4 the market value of the crops damaged or destroyed.

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

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

9 (720 ILCS 5/21-1.3)

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

11 (a) A person commits criminal defacement of property when  
12 the person knowingly damages the property of another by  
13 defacing, deforming, or otherwise damaging the property by the  
14 use of paint or any other similar substance, or by the use of a  
15 writing instrument, etching tool, or any other similar device.  
16 It is an affirmative defense to a violation of this Section  
17 that the owner of the property damaged consented to such  
18 damage.

19 (b) Sentence.

20 (1) Criminal defacement of property is a Class A  
21 misdemeanor for a first offense when the aggregate value of the  
22 damage to the property does not exceed \$300. Criminal  
23 defacement of property is a Class 4 felony when the aggregate  
24 value of the damage to property does not exceed \$300 and the  
25 property damaged is a school building or place of worship or

1 property which memorializes or honors an individual or group of  
2 police officers, fire fighters, members of the United States  
3 Armed Forces, National Guard, or veterans. Criminal defacement  
4 of property is a Class 4 felony for a second or subsequent  
5 conviction or when the aggregate value of the damage to the  
6 property exceeds \$300. Criminal defacement of property is a  
7 Class 3 felony when the aggregate value of the damage to  
8 property exceeds \$300 and the property damaged is a school  
9 building or place of worship or property which memorializes or  
10 honors an individual or group of police officers, fire  
11 fighters, members of the United States Armed Forces, National  
12 Guard, or veterans.

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

23 (3) In addition to any other sentence that may be imposed,  
24 a court shall order any person convicted of criminal defacement  
25 of property to perform community service for not less than 30  
26 and not more than 120 hours, if community service is available

1 in the jurisdiction. The community service shall include, but  
2 need not be limited to, the cleanup and repair of the damage to  
3 property that was caused by the offense, or similar damage to  
4 property located in the municipality or county in which the  
5 offense occurred. When the property damaged is a school  
6 building, the community service may include cleanup, removal,  
7 or painting over the defacement. In addition, whenever any  
8 person is placed on supervision for an alleged offense under  
9 this Section, the supervision shall be conditioned upon the  
10 performance of the community service.

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

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