



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB2907

Introduced 2/18/2016, by Sen. Steve Stadelman

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/21-1	from Ch. 38, par. 21-1
720 ILCS 5/21-1.2	from Ch. 38, par. 21-1.2
720 ILCS 5/21-1.3	

Amends the Criminal Code of 2012. For the offenses of criminal damage to property, institutional vandalism, and criminal defacement of property, increases the threshold amount of the damage to property from exceeding \$300 to exceeding \$500 in which the offense is enhanced from a misdemeanor to a felony or in which the offense is enhanced to a higher class of felony.

LRB099 18320 RLC 42694 b

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, 21-1.2, 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 \$500 ~~\$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 \$500 ~~\$300~~ and the damage occurs to  
3 property of a school or place of worship or to farm  
4 equipment or immovable items of agricultural  
5 production, including but not limited to grain  
6 elevators, grain bins, and barns or property which  
7 memorializes or honors an individual or group of police  
8 officers, fire fighters, members of the United States  
9 Armed Forces, National Guard, or veterans.

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 \$500 ~~\$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 \$500  
20 ~~\$300~~ but does not exceed \$10,000 and the damage occurs  
21 to 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 property which  
25 memorializes or honors an individual or group of police  
26 officers, fire fighters, members of the United States

1 Armed Forces, National Guard, or veterans.

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 property which  
12 memorializes or honors an individual or group of police  
13 officers, fire fighters, members of the United States  
14 Armed Forces, National Guard, or veterans.

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 property which memorializes or honors an individual or  
24 group of police officers, fire fighters, members of the  
25 United States Armed Forces, National Guard, or  
26 veterans.

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. 97-1108, eff. 1-1-13; 98-315, eff. 1-1-14.)

2 (720 ILCS 5/21-1.2) (from Ch. 38, par. 21-1.2)

3 Sec. 21-1.2. Institutional vandalism.

4 (a) A person commits institutional vandalism when, by  
5 reason of the actual or perceived race, color, creed, religion,  
6 ancestry, gender, sexual orientation, physical or mental  
7 disability, or national origin of another individual or group  
8 of individuals, regardless of the existence of any other  
9 motivating factor or factors, he or she knowingly and without  
10 consent inflicts damage to any of the following properties:

11 (1) A church, synagogue, mosque, or other building,  
12 structure or place used for religious worship or other  
13 religious purpose;

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

16 (3) A school, educational facility or community  
17 center;

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

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

1 (b) Sentence.

2 (1) Institutional vandalism is a Class 3 felony when  
3 the damage to the property does not exceed \$500 ~~\$300~~.  
4 Institutional vandalism is a Class 2 felony when the damage  
5 to the property exceeds \$500 ~~\$300~~. Institutional vandalism  
6 is a Class 2 felony for any second or subsequent offense.

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

18 (c) Independent of any criminal prosecution or the result  
19 of that prosecution, a person suffering damage to property or  
20 injury to his or her person as a result of institutional  
21 vandalism may bring a civil action for damages, injunction or  
22 other appropriate relief. The court may award actual damages,  
23 including damages for emotional distress, or punitive damages.  
24 A judgment may include attorney's fees and costs. The parents  
25 or legal guardians of an unemancipated minor, other than  
26 guardians appointed under the Juvenile Court Act or the



1 Juvenile Court Act of 1987, shall be liable for the amount of  
2 any judgment for actual damages rendered against the minor  
3 under this subsection in an amount not exceeding the amount  
4 provided under Section 5 of the Parental Responsibility Law.

5 (d) As used in this Section, "sexual orientation" has the  
6 meaning ascribed to it in paragraph (O-1) of Section 1-103 of  
7 the Illinois Human Rights Act.

8 (Source: P.A. 99-77, eff. 1-1-16.)

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 \$500 ~~\$300~~. Criminal  
23 defacement of property is a Class 4 felony when the aggregate  
24 value of the damage to property does not exceed \$500 ~~\$300~~ and  
25 the property damaged is a school building or place of worship

1 or property which memorializes or honors an individual or group  
2 of police officers, fire fighters, members of the United States  
3 Armed Forces or National Guard, or veterans. Criminal  
4 defacement of property is a Class 4 felony for a second or  
5 subsequent conviction or when the aggregate value of the damage  
6 to the property exceeds \$500 ~~\$300~~. Criminal defacement of  
7 property is a Class 3 felony when the aggregate value of the  
8 damage to property exceeds \$500 ~~\$300~~ and the property damaged  
9 is a school building or place of worship or property which  
10 memorializes or honors an individual or group of police  
11 officers, fire fighters, members of the United States Armed  
12 Forces or National Guard, or veterans.

13 (2) In addition to any other sentence that may be imposed  
14 for a violation of this Section, a person convicted of criminal  
15 defacement of property shall:

16 (A) pay the actual costs incurred by the property owner  
17 or the unit of government to abate, remediate, repair, or  
18 remove the effect of the damage to the property. To the  
19 extent permitted by law, reimbursement for the costs of  
20 abatement, remediation, repair, or removal shall be  
21 payable to the person who incurred the costs; and

22 (B) if convicted of criminal defacement of property  
23 that is chargeable as a Class 3 or Class 4 felony, pay a  
24 mandatory minimum fine of \$500.

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

1 of property to perform community service for not less than 30  
2 and not more than 120 hours, if community service is available  
3 in the jurisdiction. The community service shall include, but  
4 need not be limited to, the cleanup and repair of the damage to  
5 property that was caused by the offense, or similar damage to  
6 property located in the municipality or county in which the  
7 offense occurred. When the property damaged is a school  
8 building, the community service may include cleanup, removal,  
9 or painting over the defacement. In addition, whenever any  
10 person is placed on supervision for an alleged offense under  
11 this Section, the supervision shall be conditioned upon the  
12 performance of the community service.

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

17 (Source: P.A. 97-1108, eff. 1-1-13; 98-315, eff. 1-1-14;  
18 98-466, eff. 8-16-13; 98-756, eff. 7-16-14.)