

AN ACT concerning transportation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Illinois Vehicle Code is amended by changing Section 18c-7502 as follows:

(625 ILCS 5/18c-7502) (from Ch. 95 1/2, par. 18c-7502)

Sec. 18c-7502. Malicious removal of or damage to railroad property or freight.

(a) Malicious removal of or damage to railroad property or freight.

A person is guilty of an offense if he or she is found to have:

(i) removed, taken, stolen, changed, added to, taken from, or in any manner changed, defaced, or interfered with any of the parts or attachments of any locomotive or car, or any plant or property used in or in connection with the operation of any railroad carrier, locomotive, car, or train, or shoots, throws, or drops any object onto or at any train, locomotive, or car;

(ii) willfully and with intent to permanently deprive the owner thereof, taken or removed railroad freight from any freight car, including a boxcar, container, or flatbed;

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(iii) bought or received any of the railroad freight described in item (ii), having reason to know that such freight was stolen; or -

(iv) willfully placed upon an active railroad track or railroad right of way any object or objects that would adversely affect safe railroad operations.

(b) Penalties.

(1) If the railroad property damage does not exceed \$500 and no bodily injury occurs to another as a result of a violation of this Section, the person shall be guilty of a Class A misdemeanor. Upon being found in violation of item (i) of subsection (a), the person shall, in addition to such other sanctions as may be deemed appropriate by the court, be subject to pay the railroad carrier involved the cost to repair any railroad property damaged, and to perform community service for not less than 30 hours or more than 120 hours. If community service is not available in the jurisdiction where the offense was committed, that person shall be subject to pay a fine of not less than \$150 or more than \$1,000, or imprisonment for not less than 5 days or more than 1 year, or both. If railroad property damage exceeds \$500 or bodily injury occurs to another as a result of a violation of this Section, the person shall be guilty of a Class 4 felony. Upon being found in violation of item (i) of subsection (a), the

person shall, in addition to such other sanctions as may be deemed appropriate by the court, be subject to pay the railroad carrier involved for the cost to repair any railroad property damaged, and shall be fined not less than \$1,000, nor more than \$25,000, or imprisonment for not less than 1 year, or more than 3 years, or both. If serious bodily injury or death occurs to another as a result of a violation of item (i) of subsection (a), the person shall be guilty of a Class 2 felony and shall, in addition to such sanctions as may be deemed appropriate by the court, be subject to pay the railroad carrier involved the cost to repair any railroad property damaged, and shall be fined not less than \$5,000 nor more than \$25,000, or imprisonment for not less than 3 years nor more than 7 years, or both. If any such action is malicious and is the cause of wrecking any train, locomotive, or car in this State whereby the life of any person is lost, the person found guilty thereof shall be liable for first degree murder and the person shall be subject to pay the railroad carrier involved the cost to repair any railroad property damaged.

(2) Upon being found in violation of item (ii) ~~or~~ (iii), or (iv) the person shall be guilty of a Class 4 felony. In addition to such other sanctions as may be deemed appropriate by the court, the person shall be

subject to pay the railroad carrier involved for the cost to repair any railroad property damaged, and shall be fined not less than \$1,000, nor more than \$25,000, or imprisoned for not less than 1 year nor more than 3 years.

(3) Local authorities shall impose fines as established in this subsection (b) for persons found in violation of this Section or any similar local ordinance.

(c) Definitions. As used in this Section:

"Bodily injury" means:

- (i) a cut, abrasion, bruise, bump, or disfigurement;
- (ii) physical pain;
- (iii) illness;
- (iv) impairment of the function of a bodily member, organ, or mental faculty; or
- (v) any other injury to the body, no matter how temporary.

"Railroad" means any form of nonhighway ground transportation that runs on rails or electromagnetic guideways, including:

- (i) commuter or other short-haul railroad passenger service in a metropolitan or urban area; and
- (ii) high-speed ground transportation systems that connect metropolitan areas, but does not include rapid transit operations in an urban area that are not connected

to the general railroad system of transportation.

"Railroad carrier" means a person providing railroad transportation.

"Railroad property" means all tangible property owned, leased, or operated by a railroad carrier including a right of way, track, bridge, yard, shop, station, tunnel, viaduct, trestle, depot, warehouse, terminal, or any other structure, appurtenance, or equipment owned, leased, or used in the operation of any railroad carrier including trains, locomotives, engines, railroad cars, work equipment, rolling stock, or safety devices. "Railroad property" does not include a railroad carrier's administrative buildings or offices, office equipment, or intangible property such as software or other information.

"Right of way" means the track or roadbed owned, leased, or operated by a rail carrier that is located on either side of its tracks and that is readily recognizable to a reasonable person as being railroad property or is reasonably identified as such by fencing or appropriate signs.

"Yard" means a system of parallel tracks, crossovers, and switches where railroad cars are switched and made up into trains, and where railroad cars, locomotives, and other rolling stock is kept when not in use or when awaiting repair.

"Serious bodily injury" means bodily injury that involves:

- (i) a substantial risk of death;
- (ii) extreme physical pain;

(iii) protracted and obvious disfigurement; or

(iv) protracted loss or impairment of the function of a
bodily member, organ, or mental faculty.

(Source: P.A. 90-691, eff. 1-1-99; 91-532, eff. 1-1-00.)