

1 AN ACT in relation to 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 1961 is amended by
5 changing Section 21-3 as follows:

6 (720 ILCS 5/21-3) (from Ch. 38, par. 21-3)
7 Sec. 21-3. Criminal trespass to real property.

8 (a) Whoever:

9 (1) knowingly and without lawful authority enters
10 or remains within or on a building; or

11 (2) enters upon the land of another, after
12 receiving, prior to such entry, notice from the owner or
13 occupant that such entry is forbidden; or

14 (3) remains upon the land of another, after
15 receiving notice from the owner or occupant to depart; or

16 (4) enters upon one of the following areas in or on
17 a motor vehicle (including an off-road vehicle,
18 motorcycle, moped, or any other powered two-wheel
19 vehicle), after receiving prior to that entry, notice
20 from the owner or occupant that the entry is forbidden or
21 remains upon or in the area after receiving notice from
22 the owner or occupant to depart:

23 (A) any field that is used for growing crops
24 or which is capable of being used for growing crops;
25 or

26 (B) an enclosed area containing livestock; or

27 (C) or an orchard; or

28 (D) a barn or other agricultural building
29 containing livestock;

30 commits a Class B misdemeanor. A violation of this Section
31 committed on property that is a water filtration station,

1 water pumping station, electrical transfer station,
2 electrical generation facility, natural gas facility, or
3 other utility facility is a Class 4 felony.

4 For purposes of item (1) of this subsection, this Section
5 shall not apply to being in a building which is open to the
6 public while the building is open to the public during its
7 normal hours of operation; nor shall this Section apply to a
8 person who enters a public building under the reasonable
9 belief that the building is still open to the public.

10 (b) A person has received notice from the owner or
11 occupant within the meaning of Subsection (a) if he has been
12 notified personally, either orally or in writing including a
13 valid court order as defined by subsection (7) of Section
14 112A-3 of the Code of Criminal Procedure of 1963 granting
15 remedy (2) of subsection (b) of Section 112A-14 of that Code,
16 or if a printed or written notice forbidding such entry has
17 been conspicuously posted or exhibited at the main entrance
18 to such land or the forbidden part thereof.

19 (c) This Section does not apply to any person, whether a
20 migrant worker or otherwise, living on the land with
21 permission of the owner or of his agent having apparent
22 authority to hire workers on such land and assign them living
23 quarters or a place of accommodations for living thereon, nor
24 to anyone living on such land at the request of, or by
25 occupancy, leasing or other agreement or arrangement with the
26 owner or his agent, nor to anyone invited by such migrant
27 worker or other person so living on such land to visit him at
28 the place he is so living upon the land.

29 (d) A person shall be exempt from prosecution under this
30 Section if he beautifies unoccupied and abandoned residential
31 and industrial properties located within any municipality.
32 For the purpose of this subsection, "unoccupied and abandoned
33 residential and industrial property" means any real estate
34 (1) in which the taxes have not been paid for a period of at

1 least 2 years; and (2) which has been left unoccupied and
2 abandoned for a period of at least one year; and "beautifies"
3 means to landscape, clean up litter, or to repair dilapidated
4 conditions on or to board up windows and doors.

5 (e) No person shall be liable in any civil action for
6 money damages to the owner of unoccupied and abandoned
7 residential and industrial property which that person
8 beautifies pursuant to subsection (d) of this Section.

9 (f) This Section does not prohibit a person from
10 entering a building or upon the land of another for emergency
11 purposes. For purposes of this subsection (f), "emergency"
12 means a condition or circumstance in which an individual is
13 or is reasonably believed by the person to be in imminent
14 danger of serious bodily harm or in which property is or is
15 reasonably believed to be in imminent danger of damage or
16 destruction.

17 (Source: P.A. 89-346, eff. 1-1-96; 89-373, eff. 1-1-96;
18 89-626, eff. 8-9-96; 90-419, eff. 8-15-97.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.