

16.01X
Definition Of Criminal Defacement Of Property

A person commits the offense of criminal defacement of property (in excess of \$500) when he knowingly damages the property of another [without that person's consent] by defacing, deforming, or otherwise damaging such property by the use of paint or any similar substance or by the use of a writing instrument, etching tool, or any other similar device[[(.) (and) (.)] the damage to the property exceeds \$500[(.) (and the damage occurs to (property of a school) (property of a place of worship) (property which memorializes or honors [(an individual) (a group of)] [(police officer(s)) (fire fighter(s))]) (property which memorializes or honors [(a member) (members)] of the [(United States Armed Forces) (National Guard)]) (property which memorializes or honors [(a veteran) (veterans)])]].

Committee Note

Instruction and Committee Note Approved December 1, 2017

720 ILCS 5/21-1.3 (West 2017), added by P.A. 88-406, effective August 20, 1993. Amended by P.A.90-685, effective January 1, 1999; P.A.91-360, effective July 29, 1999; P.A.91-931, effective June 1, 2001; P.A.95-553, effective June 1, 2008; P.A.96-499, effective August 14, 2009; P.A.97-1108, effective January 1, 2013; P.A.98-315, effective January 1, 2014; P.A.98-466, effective August 16, 2013; P.A.98-756, effective July 16, 2014.

Give Instruction 16.02X. Use *only* for offenses allegedly committed on or after August 20, 1993.

When the charge of criminal defacement of property exceeding \$300 is brought, the Committee believes that the extent of the damage is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding that value. Accordingly, give the bracketed material when the value of the property exceeds \$300.

If the value of the property is an issue, then separate definitional instructions, issues instructions, and verdict forms should be given to permit the jury to resolve that dispute with its verdict. Under these circumstances, the jury should receive instructions and verdict forms for both the greater and lesser offenses. In addition, the name of the offense should be expanded in each definitional instruction, issues instruction, and verdict form so as to distinguish the greater offense from the lesser offense. For example, if the value of the property exceeds \$300, then this instruction would begin “A person commits the offense of criminal defacement of property in excess of \$300 when he”.

When the defendant asserts an affirmative defense, use the bracketed phrase “without that person’s consent” above. See 720 ILCS 5/21-1.3(a).

When there is an issue of whether the property was property of another, give Instruction 4.40 defining the term “property of another”.

If there is an issue regarding the defendant's interest in the property, give Instruction 16.01A.

Use applicable bracketed material.