

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 16G-15 as follows:

6 (720 ILCS 5/16G-15)

7 Sec. 16G-15. Financial identity theft.

8 (a) A person commits the offense of financial identity  
9 theft when he or she knowingly uses any personal identifying  
10 information or personal identification document of another  
11 person to fraudulently obtain credit, money, goods, services,  
12 or other property ~~in-the-name-of-the-other-person~~.

13 (b) Knowledge shall be determined by an evaluation of  
14 all circumstances surrounding the use of the other person's  
15 identifying information or document.

16 (c) When a charge of financial identity theft of credit,  
17 money, goods, services, or other property exceeding a  
18 specified value is brought the value of the credit, money,  
19 goods, services, or other property is an element of the  
20 offense to be resolved by the trier of fact as either  
21 exceeding or not exceeding the specified value.

22 (d) Sentence.

23 (1) Financial identity theft of credit, money,  
24 goods, services, or other property not exceeding \$300 in  
25 value is a Class A misdemeanor. A person who has been  
26 previously convicted of financial identity theft of less  
27 than \$300 who is convicted of a second or subsequent  
28 offense of financial identity theft of less than \$300 is  
29 guilty of a Class 4 felony. A person who has been  
30 convicted of financial identity theft of less than \$300  
31 who has been previously convicted of any type of theft,

1 robbery, armed robbery, burglary, residential burglary,  
2 possession of burglary tools, home invasion, home repair  
3 fraud, aggravated home repair fraud, or financial  
4 exploitation of an elderly or disabled person is guilty  
5 of a Class 4 felony. When a person has any such prior  
6 conviction, the information or indictment charging that  
7 person shall state the prior conviction so as to give  
8 notice of the State's intention to treat the charge as a  
9 felony. The fact of the prior conviction is not an  
10 element of the offense and may not be disclosed to the  
11 jury during trial unless otherwise permitted by issues  
12 properly raised during the trial.

13 (2) Financial identity theft of credit, money,  
14 goods, services, or other property exceeding \$300 and not  
15 exceeding \$2,000 in value is a Class 4 felony.

16 (3) Financial identity theft of credit, money,  
17 goods, services, or other property exceeding \$2,000 and  
18 not exceeding \$10,000 in value is a Class 3 felony.

19 (4) Financial identity theft of credit, money,  
20 goods, services, or other property exceeding \$10,000 and  
21 not exceeding \$100,000 in value is a Class 2 felony.

22 (5) Financial identity theft of credit, money,  
23 goods, services, or other property exceeding \$100,000 in  
24 value is a Class 1 felony.

25 (Source: P.A. 91-517, eff. 8-13-99.)

26 Section 99. Effective date. This Act takes effect upon  
27 becoming law.