

AN ACT concerning criminal law.

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

Section 5. The Criminal Code of 1961 is amended by changing Sections 16-1, 16A-2.2, 16A-10, 16H-60, and 16J-25 and by adding Sections 16A-2.14 and 16A-11 as follows:

(720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

Sec. 16-1. Theft.

(a) A person commits theft when he knowingly:

(1) Obtains or exerts unauthorized control over property of the owner; or

(2) Obtains by deception control over property of the owner; or

(3) Obtains by threat control over property of the owner; or

(4) Obtains control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce him to believe that the property was stolen; or

(5) Obtains or exerts control over property in the custody of any law enforcement agency which is explicitly represented to him by any law enforcement officer or any individual acting in behalf of a law enforcement agency as

being stolen, and

(A) Intends to deprive the owner permanently of the use or benefit of the property; or

(B) Knowingly uses, conceals or abandons the property in such manner as to deprive the owner permanently of such use or benefit; or

(C) Uses, conceals, or abandons the property knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.

(b) Sentence.

(1) Theft of property not from the person and not exceeding \$500 ~~\$300~~ in value is a Class A misdemeanor.

(1.1) Theft of property not from the person and not exceeding \$500 ~~\$300~~ in value is a Class 4 felony if the theft was committed in a school or place of worship or if the theft was of governmental property.

(2) A person who has been convicted of theft of property not from the person and not exceeding \$500 ~~\$300~~ in value who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or 4-103.3 of the Illinois Vehicle Code relating to the possession of a stolen or converted motor vehicle, or a violation of Section 8 of the Illinois Credit Card and

Debit Card Act is guilty of a Class 4 felony. When a person has any such prior conviction, the information or indictment charging that person shall state such prior conviction so as to give notice of the State's intention to treat the charge as a felony. The fact of such prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.

(3) (Blank).

(4) Theft of property from the person not exceeding \$500 ~~\$300~~ in value, or theft of property exceeding \$500 ~~\$300~~ and not exceeding \$10,000 in value, is a Class 3 felony.

(4.1) Theft of property from the person not exceeding \$500 ~~\$300~~ in value, or theft of property exceeding \$500 ~~\$300~~ and not exceeding \$10,000 in value, is a Class 2 felony if the theft was committed in a school or place of worship or if the theft was of governmental property.

(5) Theft of property exceeding \$10,000 and not exceeding \$100,000 in value is a Class 2 felony.

(5.1) Theft of property exceeding \$10,000 and not exceeding \$100,000 in value is a Class 1 felony if the theft was committed in a school or place of worship or if the theft was of governmental property.

(6) Theft of property exceeding \$100,000 and not exceeding \$500,000 in value is a Class 1 felony.

(6.1) Theft of property exceeding \$100,000 in value is a Class X felony if the theft was committed in a school or place of worship or if the theft was of governmental property.

(6.2) Theft of property exceeding \$500,000 and not exceeding \$1,000,000 in value is a Class 1 non-probationable felony.

(6.3) Theft of property exceeding \$1,000,000 in value is a Class X felony.

(7) Theft by deception, as described by paragraph (2) of subsection (a) of this Section, in which the offender obtained money or property valued at \$5,000 or more from a victim 60 years of age or older is a Class 2 felony.

(8) Theft by deception, as described by paragraph (2) of subsection (a) of this Section, in which the offender falsely poses as a landlord or agent or employee of the landlord and obtains a rent payment or a security deposit from a tenant is a Class 3 felony if the rent payment or security deposit obtained does not exceed \$500 ~~\$300~~.

(9) Theft by deception, as described by paragraph (2) of subsection (a) of this Section, in which the offender falsely poses as a landlord or agent or employee of the landlord and obtains a rent payment or a security deposit from a tenant is a Class 2 felony if the rent payment or security deposit obtained exceeds \$500 ~~\$300~~ and does not exceed \$10,000.

(10) Theft by deception, as described by paragraph (2) of subsection (a) of this Section, in which the offender falsely poses as a landlord or agent or employee of the landlord and obtains a rent payment or a security deposit from a tenant is a Class 1 felony if the rent payment or security deposit obtained exceeds \$10,000 and does not exceed \$100,000.

(11) Theft by deception, as described by paragraph (2) of subsection (a) of this Section, in which the offender falsely poses as a landlord or agent or employee of the landlord and obtains a rent payment or a security deposit from a tenant is a Class X felony if the rent payment or security deposit obtained exceeds \$100,000.

(c) When a charge of theft of property exceeding a specified value is brought, the value of the property involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value. (Source: P.A. 96-496, eff. 1-1-10; 96-534, eff. 8-14-09; revised 10-9-09.)

(720 ILCS 5/16A-2.2) (from Ch. 38, par. 16A-2.2)

Sec. 16A-2.2. "Full retail value ~~Retail Value~~" means the merchant's stated or advertised price of the merchandise. "Full retail value" includes the aggregate value of property obtained from retail thefts committed by the same person as part of a continuing course of conduct from one or more mercantile

establishments in a single transaction or in separate transactions over a period of one year.

(Source: P.A. 79-840.)

(720 ILCS 5/16A-2.14 new)

Sec. 16A-2.14. Continuing course of conduct. "Continuing course of conduct" means a series of acts, and the accompanying mental state necessary for the crime in question, irrespective of whether the series of acts are continuous or intermittent.

(720 ILCS 5/16A-10) (from Ch. 38, par. 16A-10)

Sec. 16A-10. Sentence.

(1) Retail theft of property, the full retail value of which does not exceed \$300 ~~\$150~~, is a Class A misdemeanor. Theft by emergency exit of property, the full retail value of which does not exceed \$300 ~~\$150~~, is a Class 4 felony.

(2) A person who has been convicted of retail theft of property, the full retail value of which does not exceed \$300 ~~\$150~~, and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools or home invasion is guilty of a Class 4 felony. A person who has been convicted of theft by emergency exit of property, the full retail value of which does not exceed \$300 ~~\$150~~, and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools or home

invasion is guilty of a Class 3 felony. When a person has any such prior conviction, the information or indictment charging that person shall state such prior conviction so as to give notice of the State's intention to treat the charge of retail theft as a felony. The fact of such prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.

(3) Any retail theft of property, the full retail value of which exceeds \$300 in a single transaction, or in separate transactions committed by the same person as part of a continuing course of conduct from one or more mercantile establishments over a period of one year ~~\$150~~, is a Class 3 felony. Theft by emergency exit of property, the full retail value of which exceeds \$300 in a single transaction, or in separate transactions committed by the same person as part of a continuing course of conduct from one or more mercantile establishments over a period of one year ~~\$150~~, is a Class 2 felony. When a charge of retail theft of property or theft by emergency exit of property, the full value of which exceeds \$300 ~~\$150~~, is brought, the value of the property involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$300 ~~\$150~~.

(Source: P.A. 94-449, eff. 8-4-05.)

Sec. 16A-11. Venue. Multiple thefts committed by the same person as part of a continuing course of conduct in different jurisdictions that have been aggregated in one jurisdiction may be prosecuted in any jurisdiction in which one or more of the thefts occurred.

(720 ILCS 5/16H-60)

Sec. 16H-60. Sentence.

(a) A financial crime, the full value of which does not exceed \$500 ~~\$300~~, is a Class A misdemeanor.

(b) A person who has been convicted of a financial crime, the full value of which does not exceed \$500 ~~\$300~~, and who has been previously convicted of a financial crime or any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, or home invasion, is guilty of a Class 4 felony. When a person has such prior conviction, the information or indictment charging that person shall state such prior conviction so as to give notice of the State's intention to treat the charge as a felony. The fact of such prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.

(c) A financial crime, the full value of which exceeds \$500 ~~\$300~~ but does not exceed \$10,000, is a Class 3 felony. When a charge of financial crime, the full value of which exceeds \$500 ~~\$300~~ but does not exceed \$10,000, is brought, the value of the

financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$500 ~~\$300~~.

(d) A financial crime, the full value of which exceeds \$10,000 but does not exceed \$100,000, is a Class 2 felony. When a charge of financial crime, the full value of which exceeds \$10,000 but does not exceed \$100,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$10,000.

(e) A financial crime, the full value of which exceeds \$100,000, is a Class 1 felony. When a charge of financial crime, the full value of which exceeds \$100,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$100,000.

(f) A financial crime which is a financial institution robbery is a Class 1 felony.

(g) A financial crime which is a continuing financial crimes enterprise is a Class 1 felony.

(h) A financial crime which is the offense of being an organizer of a continuing financial crimes enterprise is a Class X felony.

(i) (Blank).

(Source: P.A. 96-534, eff. 8-14-09.)

(720 ILCS 5/16J-25)

Sec. 16J-25. Sentence. A violation of this Article is a Class 4 felony if the full retail value of the stolen property or property obtained by deception does not exceed \$300 ~~\$150~~. A violation of this Article is a Class 2 felony if the full retail value of the stolen property or property obtained by deception exceeds \$300 ~~\$150~~.

(Source: P.A. 94-179, eff. 7-12-05; 95-331, eff. 8-21-07.)

Section 10. The Telephone Charge Fraud Act is amended by changing Section 1 as follows:

(720 ILCS 365/1) (from Ch. 134, par. 15c)

Sec. 1. Any individual, corporation, or other person, who, with intent to defraud or to aid and abet another to defraud any individual, corporation, or other person, of the lawful charge, in whole or in part, for any telecommunications service, shall obtain, or attempt to obtain, or aid and abet another to obtain or to attempt to obtain, any telecommunications service:

(a) by charging such service to an existing telephone number or credit card number without the authority of the subscriber thereto or the legitimate holder thereof, or,

(b) charging such service to a nonexistent, false, fictitious, or counterfeit telephone number or credit card number or to a suspended, terminated, expired, cancelled, or

revoked telephone number or credit card number, or,

(c) by use of a code, prearranged scheme, or other similar stratagem or device whereby said person, in effect, sends or receives information, or,

(d) by installing, rearranging, or tampering with any facilities or equipment, whether physically, inductively, acoustically, electronically, or,

(e) by publishing the number or code of an existing, canceled, revoked or nonexistent telephone number, credit number or other credit device or method of numbering or coding which is employed in the issuance of telephone numbers, credit numbers or other credit devices which may be used to avoid the payment of any lawful telephone toll charge, or,

(f) by publishing plans, diagrams or methods for the construction, assembly or usage of any device, instrument or gadget which may be used to avoid the payment of any lawful telephone toll charge, or,

(g) by any other trick, stratagem, impersonation, false pretense, false representation, false statement, contrivance, device, or means, shall be deemed guilty of a Class A Misdemeanor; provided, however, that (a) a second conviction of an offense under this Section, (b) commission of an offense for remuneration, or (c) an offense involving the defrauding of services in excess of \$500 ~~\$300~~ is a Class 4 felony.

As used in this Section "publish" means the communication or dissemination of information to any one or more persons,

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either orally, in person, or by telephone, radio or television or in writing of any kind, including, without limitation, a letter or memorandum, circular or handbill, newspaper or magazine article or book.

(Source: P.A. 88-75.)