



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2518

by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

720 ILCS 5/16-1

from Ch. 38, par. 16-1

Amends the Criminal Code of 2012. Provides that theft of property not from the person and not exceeding \$500 in value is a petty offense if the offense was committed by a person under 18 years of age. Provides that theft of property not from the person and not exceeding \$500 in value is a Class A misdemeanor if the theft was committed in a school or place of worship or if the theft was of governmental property committed by a person under 18 years of age.

LRB101 10173 SLF 55276 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning 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 2012 is amended by changing
5 Section 16-1 as follows:

6 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

7 Sec. 16-1. Theft.

8 (a) A person commits theft when he or she knowingly:

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

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

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

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

19 (5) Obtains or exerts control over property in the
20 custody of any law enforcement agency which any law
21 enforcement officer or any individual acting in behalf of a
22 law enforcement agency explicitly represents to the person
23 as being stolen or represents to the person such

1 circumstances as would reasonably induce the person to
2 believe that the property was stolen, and

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

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

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

12 (b) Sentence.

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

15 (1.0) Theft of property not from the person and not
16 exceeding \$500 in value is a petty offense if the offense
17 was committed by a person under 18 years of age.

18 (1.1) Theft of property not from the person and not
19 exceeding \$500 in value is a Class 4 felony if the theft
20 was committed in a school or place of worship or if the
21 theft was of governmental property.

22 (1.2) Theft of property not from the person and not
23 exceeding \$500 in value is a Class A misdemeanor if the
24 theft was committed in a school or place of worship or if
25 the theft was of governmental property committed by a
26 person under 18 years of age.

1 (2) A person who has been convicted of theft of
2 property not from the person and not exceeding \$500 in
3 value who has been previously convicted of any type of
4 theft, robbery, armed robbery, burglary, residential
5 burglary, possession of burglary tools, home invasion,
6 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or
7 4-103.3 of the Illinois Vehicle Code relating to the
8 possession of a stolen or converted motor vehicle, or a
9 violation of Section 17-36 of the Criminal Code of 1961 or
10 the Criminal Code of 2012, or Section 8 of the Illinois
11 Credit Card and Debit Card Act is guilty of a Class 4
12 felony.

13 (3) (Blank).

14 (4) Theft of property from the person not exceeding
15 \$500 in value, or theft of property exceeding \$500 and not
16 exceeding \$10,000 in value, is a Class 3 felony.

17 (4.1) Theft of property from the person not exceeding
18 \$500 in value, or theft of property exceeding \$500 and not
19 exceeding \$10,000 in value, is a Class 2 felony if the
20 theft was committed in a school or place of worship or if
21 the theft was of governmental property.

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

24 (5.1) Theft of property exceeding \$10,000 and not
25 exceeding \$100,000 in value is a Class 1 felony if the
26 theft was committed in a school or place of worship or if

1 the theft was of governmental property.

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

4 (6.1) Theft of property exceeding \$100,000 in value is
5 a Class X felony if the theft was committed in a school or
6 place of worship or if the theft was of governmental
7 property.

8 (6.2) Theft of property exceeding \$500,000 and not
9 exceeding \$1,000,000 in value is a Class 1
10 non-probationable felony.

11 (6.3) Theft of property exceeding \$1,000,000 in value
12 is a Class X felony.

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

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

23 (9) Theft by deception, as described by paragraph (2)
24 of subsection (a) of this Section, in which the offender
25 falsely poses as a landlord or agent or employee of the
26 landlord and obtains a rent payment or a security deposit

1 from a tenant is a Class 2 felony if the rent payment or
2 security deposit obtained exceeds \$500 and does not exceed
3 \$10,000.

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

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

17 (c) When a charge of theft of property exceeding a
18 specified value is brought, the value of the property involved
19 is an element of the offense to be resolved by the trier of
20 fact as either exceeding or not exceeding the specified value.

21 (d) Theft by lessee; permissive inference. The trier of
22 fact may infer evidence that a person intends to deprive the
23 owner permanently of the use or benefit of the property (1) if
24 a lessee of the personal property of another fails to return it
25 to the owner within 10 days after written demand from the owner
26 for its return or (2) if a lessee of the personal property of

1 another fails to return it to the owner within 24 hours after
2 written demand from the owner for its return and the lessee had
3 presented identification to the owner that contained a
4 materially fictitious name, address, or telephone number. A
5 notice in writing, given after the expiration of the leasing
6 agreement, addressed and mailed, by registered mail, to the
7 lessee at the address given by him and shown on the leasing
8 agreement shall constitute proper demand.

9 (e) Permissive inference; evidence of intent that a person
10 obtains by deception control over property. The trier of fact
11 may infer that a person "knowingly obtains by deception control
12 over property of the owner" when he or she fails to return,
13 within 45 days after written demand from the owner, the
14 downpayment and any additional payments accepted under a
15 promise, oral or in writing, to perform services for the owner
16 for consideration of \$3,000 or more, and the promisor knowingly
17 without good cause failed to substantially perform pursuant to
18 the agreement after taking a down payment of 10% or more of the
19 agreed upon consideration. This provision shall not apply where
20 the owner initiated the suspension of performance under the
21 agreement, or where the promisor responds to the notice within
22 the 45-day notice period. A notice in writing, addressed and
23 mailed, by registered mail, to the promisor at the last known
24 address of the promisor, shall constitute proper demand.

25 (f) Offender's interest in the property.

26 (1) It is no defense to a charge of theft of property

1 that the offender has an interest therein, when the owner
2 also has an interest to which the offender is not entitled.

3 (2) Where the property involved is that of the
4 offender's spouse, no prosecution for theft may be
5 maintained unless the parties were not living together as
6 man and wife and were living in separate abodes at the time
7 of the alleged theft.

8 (Source: P.A. 96-496, eff. 1-1-10; 96-534, eff. 8-14-09;
9 96-1000, eff. 7-2-10; 96-1301, eff. 1-1-11; 96-1532, eff.
10 1-1-12; 96-1551, eff. 7-1-11; 97-597, eff. 1-1-12; 97-1150,
11 eff. 1-25-13.)