

# SB1294



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB1294

Introduced 2/7/2019, by Sen. Suzy Glowiak

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/16-30

Amends the Criminal Code of 2012 concerning identity theft. Changes references in the offense from "personal identification information" to "personal identifying information".

LRB101 06266 SLF 51292 b

A BILL FOR

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 16-30 as follows:

6 (720 ILCS 5/16-30)

7 Sec. 16-30. Identity theft; aggravated identity theft.

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

10 (1) uses any personal identifying information or  
11 personal identification document of another person to  
12 fraudulently obtain credit, money, goods, services, or  
13 other property;

14 (2) uses any personal identifying ~~identification~~  
15 information or personal identification document of another  
16 with intent to commit any felony not set forth in paragraph  
17 (1) of this subsection (a);

18 (3) obtains, records, possesses, sells, transfers,  
19 purchases, or manufactures any personal identifying  
20 ~~identification~~ information or personal identification  
21 document of another with intent to commit any felony;

22 (4) uses, obtains, records, possesses, sells,  
23 transfers, purchases, or manufactures any personal

1        identifying ~~identification~~ information or personal  
2        identification document of another knowing that such  
3        personal identification information or personal  
4        identification documents were stolen or produced without  
5        lawful authority;

6            (5) uses, transfers, or possesses document-making  
7        implements to produce false identification or false  
8        documents with knowledge that they will be used by the  
9        person or another to commit any felony;

10           (6) uses any personal identifying ~~identification~~  
11        information or personal identification document of another  
12        to portray himself or herself as that person, or otherwise,  
13        for the purpose of gaining access to any personal  
14        identifying ~~identification~~ information or personal  
15        identification document of that person, without the prior  
16        express permission of that person;

17           (7) uses any personal identifying ~~identification~~  
18        information or personal identification document of another  
19        for the purpose of gaining access to any record of the  
20        actions taken, communications made or received, or other  
21        activities or transactions of that person, without the  
22        prior express permission of that person;

23           (7.5) uses, possesses, or transfers a radio frequency  
24        identification device capable of obtaining or processing  
25        personal identifying information from a radio frequency  
26        identification (RFID) tag or transponder with knowledge

1           that the device will be used by the person or another to  
2           commit a felony violation of State law or any violation of  
3           this Article; or

4           (8) in the course of applying for a building permit  
5           with a unit of local government, provides the license  
6           number of a roofing or fire sprinkler contractor whom he or  
7           she does not intend to have perform the work on the roofing  
8           or fire sprinkler portion of the project; it is an  
9           affirmative defense to prosecution under this paragraph  
10          (8) that the building permit applicant promptly informed  
11          the unit of local government that issued the building  
12          permit of any change in the roofing or fire sprinkler  
13          contractor.

14          (b) Aggravated identity theft. A person commits aggravated  
15          identity theft when he or she commits identity theft as set  
16          forth in subsection (a) of this Section:

17                 (1) against a person 60 years of age or older or a  
18                 person with a disability; or

19                 (2) in furtherance of the activities of an organized  
20                 gang.

21          A defense to aggravated identity theft does not exist  
22          merely because the accused reasonably believed the victim to be  
23          a person less than 60 years of age. For the purposes of this  
24          subsection, "organized gang" has the meaning ascribed in  
25          Section 10 of the Illinois Streetgang Terrorism Omnibus  
26          Prevention Act.

1 (c) Knowledge shall be determined by an evaluation of all  
2 circumstances surrounding the use of the other person's  
3 identifying information or document.

4 (d) When a charge of identity theft or aggravated identity  
5 theft of credit, money, goods, services, or other property  
6 exceeding a specified value is brought, the value of the  
7 credit, money, goods, services, or other property is an element  
8 of the offense to be resolved by the trier of fact as either  
9 exceeding or not exceeding the specified value.

10 (e) Sentence.

11 (1) Identity theft.

12 (A) A person convicted of identity theft in  
13 violation of paragraph (1) of subsection (a) shall be  
14 sentenced as follows:

15 (i) Identity theft of credit, money, goods,  
16 services, or other property not exceeding \$300 in  
17 value is a Class 4 felony. A person who has been  
18 previously convicted of identity theft of less  
19 than \$300 who is convicted of a second or  
20 subsequent offense of identity theft of less than  
21 \$300 is guilty of a Class 3 felony. A person who  
22 has been convicted of identity theft of less than  
23 \$300 who has been previously convicted of any type  
24 of theft, robbery, armed robbery, burglary,  
25 residential burglary, possession of burglary  
26 tools, home invasion, home repair fraud,

1 aggravated home repair fraud, or financial  
2 exploitation of an elderly person or person with a  
3 disability is guilty of a Class 3 felony. Identity  
4 theft of credit, money, goods, services, or other  
5 property not exceeding \$300 in value when the  
6 victim of the identity theft is an active duty  
7 member of the Armed Services or Reserve Forces of  
8 the United States or of the Illinois National Guard  
9 serving in a foreign country is a Class 3 felony. A  
10 person who has been previously convicted of  
11 identity theft of less than \$300 who is convicted  
12 of a second or subsequent offense of identity theft  
13 of less than \$300 when the victim of the identity  
14 theft is an active duty member of the Armed  
15 Services or Reserve Forces of the United States or  
16 of the Illinois National Guard serving in a foreign  
17 country is guilty of a Class 2 felony. A person who  
18 has been convicted of identity theft of less than  
19 \$300 when the victim of the identity theft is an  
20 active duty member of the Armed Services or Reserve  
21 Forces of the United States or of the Illinois  
22 National Guard serving in a foreign country who has  
23 been previously convicted of any type of theft,  
24 robbery, armed robbery, burglary, residential  
25 burglary, possession of burglary tools, home  
26 invasion, home repair fraud, aggravated home

1 repair fraud, or financial exploitation of an  
2 elderly person or person with a disability is  
3 guilty of a Class 2 felony.

4 (ii) Identity theft of credit, money, goods,  
5 services, or other property exceeding \$300 and not  
6 exceeding \$2,000 in value is a Class 3 felony.  
7 Identity theft of credit, money, goods, services,  
8 or other property exceeding \$300 and not exceeding  
9 \$2,000 in value when the victim of the identity  
10 theft is an active duty member of the Armed  
11 Services or Reserve Forces of the United States or  
12 of the Illinois National Guard serving in a foreign  
13 country is a Class 2 felony.

14 (iii) Identity theft of credit, money, goods,  
15 services, or other property exceeding \$2,000 and  
16 not exceeding \$10,000 in value is a Class 2 felony.  
17 Identity theft of credit, money, goods, services,  
18 or other property exceeding \$2,000 and not  
19 exceeding \$10,000 in value when the victim of the  
20 identity theft is an active duty member of the  
21 Armed Services or Reserve Forces of the United  
22 States or of the Illinois National Guard serving in  
23 a foreign country is a Class 1 felony.

24 (iv) Identity theft of credit, money, goods,  
25 services, or other property exceeding \$10,000 and  
26 not exceeding \$100,000 in value is a Class 1

1           felony. Identity theft of credit, money, goods,  
2           services, or other property exceeding \$10,000 and  
3           not exceeding \$100,000 in value when the victim of  
4           the identity theft is an active duty member of the  
5           Armed Services or Reserve Forces of the United  
6           States or of the Illinois National Guard serving in  
7           a foreign country is a Class X felony.

8                   (v) Identity theft of credit, money, goods,  
9           services, or other property exceeding \$100,000 in  
10          value is a Class X felony.

11           (B) A person convicted of any offense enumerated in  
12          paragraphs (2) through (7.5) of subsection (a) is  
13          guilty of a Class 3 felony. A person convicted of any  
14          offense enumerated in paragraphs (2) through (7.5) of  
15          subsection (a) when the victim of the identity theft is  
16          an active duty member of the Armed Services or Reserve  
17          Forces of the United States or of the Illinois National  
18          Guard serving in a foreign country is guilty of a Class  
19          2 felony.

20           (C) A person convicted of any offense enumerated in  
21          paragraphs (2) through (5) and (7.5) of subsection (a)  
22          a second or subsequent time is guilty of a Class 2  
23          felony. A person convicted of any offense enumerated in  
24          paragraphs (2) through (5) and (7.5) of subsection (a)  
25          a second or subsequent time when the victim of the  
26          identity theft is an active duty member of the Armed



1 Services or Reserve Forces of the United States or of  
2 the Illinois National Guard serving in a foreign  
3 country is guilty of a Class 1 felony.

4 (D) A person who, within a 12-month period, is  
5 found in violation of any offense enumerated in  
6 paragraphs (2) through (7.5) of subsection (a) with  
7 respect to the identifiers of, or other information  
8 relating to, 3 or more separate individuals, at the  
9 same time or consecutively, is guilty of a Class 2  
10 felony. A person who, within a 12-month period, is  
11 found in violation of any offense enumerated in  
12 paragraphs (2) through (7.5) of subsection (a) with  
13 respect to the identifiers of, or other information  
14 relating to, 3 or more separate individuals, at the  
15 same time or consecutively, when the victim of the  
16 identity theft is an active duty member of the Armed  
17 Services or Reserve Forces of the United States or of  
18 the Illinois National Guard serving in a foreign  
19 country is guilty of a Class 1 felony.

20 (E) A person convicted of identity theft in  
21 violation of paragraph (2) of subsection (a) who uses  
22 any personal identification information or personal  
23 identification document of another to purchase  
24 methamphetamine manufacturing material as defined in  
25 Section 10 of the Methamphetamine Control and  
26 Community Protection Act with the intent to unlawfully

1 manufacture methamphetamine is guilty of a Class 2  
2 felony for a first offense and a Class 1 felony for a  
3 second or subsequent offense. A person convicted of  
4 identity theft in violation of paragraph (2) of  
5 subsection (a) who uses any personal identification  
6 information or personal identification document of  
7 another to purchase methamphetamine manufacturing  
8 material as defined in Section 10 of the  
9 Methamphetamine Control and Community Protection Act  
10 with the intent to unlawfully manufacture  
11 methamphetamine when the victim of the identity theft  
12 is an active duty member of the Armed Services or  
13 Reserve Forces of the United States or of the Illinois  
14 National Guard serving in a foreign country is guilty  
15 of a Class 1 felony for a first offense and a Class X  
16 felony for a second or subsequent offense.

17 (F) A person convicted of identity theft in  
18 violation of paragraph (8) of subsection (a) of this  
19 Section is guilty of a Class 4 felony.

20 (2) Aggravated identity theft.

21 (A) Aggravated identity theft of credit, money,  
22 goods, services, or other property not exceeding \$300  
23 in value is a Class 3 felony.

24 (B) Aggravated identity theft of credit, money,  
25 goods, services, or other property exceeding \$300 and  
26 not exceeding \$10,000 in value is a Class 2 felony.

1 (C) Aggravated identity theft of credit, money,  
2 goods, services, or other property exceeding \$10,000  
3 in value and not exceeding \$100,000 in value is a Class  
4 1 felony.

5 (D) Aggravated identity theft of credit, money,  
6 goods, services, or other property exceeding \$100,000  
7 in value is a Class X felony.

8 (E) Aggravated identity theft for a violation of  
9 any offense enumerated in paragraphs (2) through (7.5)  
10 of subsection (a) of this Section is a Class 2 felony.

11 (F) Aggravated identity theft when a person who,  
12 within a 12-month period, is found in violation of any  
13 offense enumerated in paragraphs (2) through (7.5) of  
14 subsection (a) of this Section with identifiers of, or  
15 other information relating to, 3 or more separate  
16 individuals, at the same time or consecutively, is a  
17 Class 1 felony.

18 (G) A person who has been previously convicted of  
19 aggravated identity theft regardless of the value of  
20 the property involved who is convicted of a second or  
21 subsequent offense of aggravated identity theft  
22 regardless of the value of the property involved is  
23 guilty of a Class X felony.

24 (Source: P.A. 99-143, eff. 7-27-15.)