

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.

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) ~~If~~ When a charge of financial identity theft of
17 credit, 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; 92-792, eff. 8-6-02.)