



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4275

Introduced 1/5/2022, by Rep. Jim Durkin - Dan Brady - Tom Demmer - Dave Severin - Patrick Windhorst, et al.

SYNOPSIS AS INTRODUCED:

720 ILCS 5/16-29 new
720 ILCS 5/16-29.5 new

Amends the Criminal Code of 2012. Creates the offense of organized retail theft. Provides that a person commits the offense when he or she does any of the following: (1) acts in concert with one or more persons to steal merchandise from one or more merchant's premises with the intent to deprive the merchant permanently of the possession, use or benefit of the merchandise without paying the full retail value of the merchandise or to sell, exchange, or return the merchandise for value; (2) acts in concert with 2 or more persons to receive, purchase, or possess merchandise described in item (1), knowing or believing it to have been stolen; (3) acts as an agent of another individual or group of individuals to steal merchandise from one or more merchant's premises as part of an organized plan to commit theft; or (4) recruits, coordinates, organizes, supervises, directs, manages, or finances another to undertake any of the acts described in item (1) or (2) or any other statute defining theft of merchandise. Provides penalties and establishes venue for organized retail theft.

LRB102 22461 RLC 31800 b

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 adding
5 Sections 16-29 and 16-29.5 as follows:

6 (720 ILCS 5/16-29 new)

7 Sec. 16-29. Organized retail theft.

8 (a) A person commits organized retail theft when he or she
9 does any of the following:

10 (1) acts in concert with one or more persons to steal
11 merchandise from one or more merchant's premises with the
12 intent to deprive the merchant permanently of the
13 possession, use, or benefit of the merchandise without
14 paying the full retail value of the merchandise or to
15 sell, exchange, or return the merchandise for value;

16 (2) acts in concert with 2 or more persons to receive,
17 purchase, or possess merchandise described in paragraph
18 (1), knowing or believing it to have been stolen;

19 (3) acts as an agent of another individual or group of
20 individuals to steal merchandise from one or more
21 merchant's premises as part of an organized plan to commit
22 theft; or

23 (4) recruits, coordinates, organizes, supervises,

1 directs, manages, or finances another to undertake any of
2 the acts described in paragraph (1) or (2) or any other
3 statute defining theft of merchandise.

4 (b) Sentence. Organized retail theft is punishable as
5 follows:

6 (1) A violation of this Section, the full retail value
7 which does not exceed \$300 for the property is a Class 3
8 felony. If the defendant used or possessed an artifice,
9 instrument, container, device, or other article capable of
10 facilitating the removal of merchandise from a retail
11 establishment without paying the purchase price and use of
12 the artifice, instrument, container, device, or other
13 article is part of an organized plan to commit theft, a
14 violation is a Class 2 felony.

15 (2) A violation of this Section, the full retail value
16 which exceeds \$300 is a Class 2 felony for the first
17 offense and a Class 1 felony for a second or subsequent
18 offense. If the defendant used or possessed an artifice,
19 instrument, container, device, or other article capable of
20 facilitating the removal of merchandise from a retail
21 establishment without paying the purchase price and use of
22 the artifice, instrument, container, device, or other
23 article is part of an organized plan to commit theft a
24 violation is a Class 2 felony.

25 (3) A person who has been convicted of organized
26 retail theft, the full retail value of which does not

1 exceed \$300 and who has been previously convicted of any
2 type of theft, robbery, armed robbery, burglary,
3 residential burglary, possession of burglary tools, home
4 invasion, unlawful use of a credit card, or forgery is
5 guilty of a Class 2 felony.

6 (4) A person who has been convicted of organized
7 retail theft, the full retail value of which exceeds \$300
8 and who has been previously convicted of any type of
9 theft, robbery, armed robbery, burglary, residential
10 burglary, possession of burglary tools, home invasion,
11 unlawful use of a credit card, or forgery is guilty of a
12 Class 1 felony.

13 (c) For the purpose of determining whether the defendant
14 acted in concert with another person or persons in any
15 proceeding, the trier of fact may consider any competent
16 evidence, including, but not limited to, any of the following:

17 (1) the defendant has previously acted in concert with
18 another person or persons in committing acts constituting
19 theft, or any related offense, including any conduct that
20 occurred in counties other than the county of the offense
21 being tried, if relevant to demonstrate a fact other than
22 the defendant's disposition to commit the act; or

23 (2) the defendant used or possessed an artifice,
24 instrument, container, device, or other article capable of
25 facilitating the removal of merchandise from a retail
26 establishment without paying the purchase price, and use

1 of the artifice, instrument, container, device, or other
2 article is part of an organized plan to commit theft.

3 (d) In a prosecution under this Section, the State's
4 Attorney is not required to charge any other co-participant of
5 the organized retail theft.

6 (720 ILCS 5/16-29.5 new)

7 Sec. 16-29.5. Venue.

8 (a) A criminal action for organized retail theft, as
9 defined in subsection (a) of Section 16-29, may be tried in:

10 (1) the county where an offense involving the theft or
11 receipt of the stolen merchandise occurred;

12 (2) the county in which the merchandise was recovered;

13 or

14 (3) the county where any act was done by the defendant
15 in instigating, procuring, promoting, or aiding in the
16 commission of a theft offense or a violation of organized
17 retail theft or in abetting the parties concerned in the
18 offense.

19 (b) If multiple offenses or violations of organized retail
20 theft, either all involving the same defendant or defendants
21 and the same merchandise, or all involving the same defendant
22 or defendants and the same scheme or substantially similar
23 activity, occur in multiple counties, then any of those
24 counties are a proper venue to try all of the offenses. All
25 associated offenses connected together in their commission to

1 the underlying theft offenses or violations of organized
2 retail theft may be tried in any of those counties.