



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5085

Introduced 1/27/2022, by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-118	from Ch. 95 1/2, par. 1-118
720 ILCS 5/16-1	from Ch. 38, par. 16-1
720 ILCS 5/21-1	from Ch. 38, par. 21-1

Amends the Illinois Vehicle Code. Includes catalytic converters as an essential part of a vehicle. Amends the Criminal Code of 2012. Provides that theft of property not from the person and not exceeding \$500 in value is a Class 4 felony if the theft was of a catalytic converter and the value of the catalytic converter does not exceed \$500 in value. Provides that theft of property exceeding \$500 and not exceeding \$10,000 in value is a Class 2 felony if the theft was of a catalytic converter and the value of the catalytic converter exceeds \$500 in value. Provides that a person commits criminal damage to property when he or she knowingly damages a vehicle of another with intent to take a catalytic converter. Provides that it is an affirmative defense to a violation that the owner of the property damaged consented to the damage. Provides that a violation is a Class 4 felony when the damage to property does not exceed \$500 and is a Class 2 felony when the damage to property exceeds \$500.

LRB102 22363 SPS 31500 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 Illinois Vehicle Code is amended by
5 changing Section 1-118 as follows:

6 (625 ILCS 5/1-118) (from Ch. 95 1/2, par. 1-118)

7 Sec. 1-118. Essential parts. All integral and body parts
8 of a vehicle of a type required to be registered hereunder, the
9 removal, alteration or substitution of which would tend to
10 conceal the identity of the vehicle or substantially alter its
11 appearance, model, type or mode of operation. "Essential
12 parts" includes the following: vehicle hulks, shells, chassis,
13 frames, front end assemblies (which may consist of headlight,
14 grill, fenders and hood), front clip (front end assembly with
15 cowl attached), rear clip (which may consist of quarter
16 panels, fenders, floor and top), doors, hatchbacks, fenders,
17 cabs, cab clips, cowls, hoods, trunk lids, deck lids, bed,
18 front bumper, rear bumper, transmissions, catalytic
19 converters, seats, engines, and similar parts. "Essential
20 parts" also includes fairings, fuel tanks, and forks of
21 motorcycles. "Essential parts" shall also include stereo
22 radios.

23 An essential part which does not have affixed to it an

1 identification number as defined in Section 1-129 adopts the
2 identification number of the vehicle to which such part is
3 affixed, installed or mounted.

4 "Essential parts" does not include an engine,
5 transmission, or a rear axle that is used in a glider kit.

6 (Source: P.A. 99-748, eff. 8-5-16; 100-409, eff. 8-25-17;
7 100-863, eff. 8-14-18.)

8 Section 10. The Criminal Code of 2012 is amended by
9 changing Sections 16-1 and 21-1 as follows:

10 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

11 Sec. 16-1. Theft.

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

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

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

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

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

23 (5) Obtains or exerts control over property in the
24 custody of any law enforcement agency which any law

1 enforcement officer or any individual acting in behalf of
2 a law enforcement agency explicitly represents to the
3 person as being stolen or represents to the person such
4 circumstances as would reasonably induce the person to
5 believe that the property was stolen, and

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

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

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

15 (b) Sentence.

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

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, or if the theft was of
22 a catalytic converter and the value of the catalytic
23 converter does not exceed \$500 in value.

24 (2) A person who has been convicted of theft of
25 property not from the person and not exceeding \$500 in
26 value who has been previously convicted of any type of

1 theft, robbery, armed robbery, burglary, residential
2 burglary, possession of burglary tools, home invasion,
3 forgery, a violation of Section 4-103, 4-103.1, 4-103.2,
4 or 4-103.3 of the Illinois Vehicle Code relating to the
5 possession of a stolen or converted motor vehicle, or a
6 violation of Section 17-36 of the Criminal Code of 1961 or
7 the Criminal Code of 2012, or Section 8 of the Illinois
8 Credit Card and Debit Card Act is guilty of a Class 4
9 felony.

10 (3) (Blank).

11 (4) Theft of property from the person not exceeding
12 \$500 in value, or theft of property exceeding \$500 and not
13 exceeding \$10,000 in value, is a Class 3 felony.

14 (4.1) 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 2 felony if the
17 theft was committed in a school or place of worship, ~~or~~ if
18 the theft was of governmental property, or if the theft
19 was of a catalytic converter and the value of the
20 catalytic converter exceeds \$500 in value.

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

23 (5.1) Theft of property exceeding \$10,000 and not
24 exceeding \$100,000 in value is a Class 1 felony if the
25 theft was committed in a school or place of worship or if
26 the theft was of governmental property.

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

3 (6.1) Theft of property exceeding \$100,000 in value is
4 a Class X felony if the theft was committed in a school or
5 place of worship or if the theft was of governmental
6 property.

7 (6.2) Theft of property exceeding \$500,000 and not
8 exceeding \$1,000,000 in value is a Class 1
9 non-probationable felony.

10 (6.3) Theft of property exceeding \$1,000,000 in value
11 is a Class X felony.

12 (7) Theft by deception, as described by paragraph (2)
13 of subsection (a) of this Section, in which the offender
14 obtained money or property valued at \$5,000 or more from a
15 victim 60 years of age or older or a person with a
16 disability 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
12 control over property of the owner" when he or she fails to
13 return, within 45 days after written demand from the owner,
14 the 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
17 knowingly without good cause failed to substantially perform
18 pursuant to the agreement after taking a down payment of 10% or
19 more of the agreed upon consideration. This provision shall
20 not apply where the owner initiated the suspension of
21 performance under the agreement, or where the promisor
22 responds to the notice within the 45-day notice period. A
23 notice in writing, addressed and mailed, by registered mail,
24 to the promisor at the last known address of the promisor,
25 shall constitute proper demand.

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

1 (1) It is no defense to a charge of theft of property
2 that the offender has an interest therein, when the owner
3 also has an interest to which the offender is not
4 entitled.

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

10 (Source: P.A. 101-394, eff. 1-1-20.)

11 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

12 Sec. 21-1. Criminal damage to property.

13 (a) A person commits criminal damage to property when he
14 or she:

15 (1) knowingly damages any property of another;

16 (2) recklessly by means of fire or explosive damages
17 property of another;

18 (3) knowingly starts a fire on the land of another;

19 (4) knowingly injures a domestic animal of another
20 without his or her consent;

21 (5) knowingly deposits on the land or in the building
22 of another any stink bomb or any offensive smelling
23 compound and thereby intends to interfere with the use by
24 another of the land or building;

25 (6) knowingly damages any property, other than as

1 described in paragraph (2) of subsection (a) of Section
2 20-1, with intent to defraud an insurer;

3 (7) knowingly shoots a firearm at any portion of a
4 railroad train;

5 (8) knowingly, without proper authorization, cuts,
6 injures, damages, defaces, destroys, or tampers with any
7 fire hydrant or any public or private fire fighting
8 equipment, or any apparatus appertaining to fire fighting
9 equipment; ~~or~~

10 (9) intentionally, without proper authorization, opens
11 any fire hydrant; or ~~or~~

12 (10) knowingly damages a vehicle of another with
13 intent to take a catalytic converter.

14 (b) When the charge of criminal damage to property
15 exceeding a specified value is brought, the extent of the
16 damage is an element of the offense to be resolved by the trier
17 of fact as either exceeding or not exceeding the specified
18 value.

19 (c) It is an affirmative defense to a violation of
20 paragraph (1), (3), ~~or~~ (5), or (10) of subsection (a) of this
21 Section that the owner of the property or land damaged
22 consented to the damage.

23 (d) Sentence.

24 (1) A violation of subsection (a) shall have the
25 following penalties:

26 (A) A violation of paragraph (8) or (9) is a Class

1 B misdemeanor.

2 (B) A violation of paragraph (1), (2), (3), (5),
3 or (6) is a Class A misdemeanor when the damage to
4 property does not exceed \$500.

5 (C) A violation of paragraph (1), (2), (3), (5),
6 or (6) is a Class 4 felony when the damage to property
7 does not exceed \$500 and the damage occurs to property
8 of a school or place of worship or to farm equipment or
9 immovable items of agricultural production, including
10 but not limited to grain elevators, grain bins, and
11 barns or property which memorializes or honors an
12 individual or group of police officers, fire fighters,
13 members of the United States Armed Forces, National
14 Guard, or veterans.

15 (D) A violation of paragraph (4) is a Class 4
16 felony when the damage to property does not exceed
17 \$10,000.

18 (E) A violation of paragraph (7) is a Class 4
19 felony.

20 (F) A violation of paragraph (1), (2), (3), (5) or
21 (6) is a Class 4 felony when the damage to property
22 exceeds \$500 but does not exceed \$10,000.

23 (G) A violation of paragraphs (1) through (6) is a
24 Class 3 felony when the damage to property exceeds
25 \$500 but does not exceed \$10,000 and the damage occurs
26 to property of a school or place of worship or to farm

1 equipment or immovable items of agricultural
2 production, including but not limited to grain
3 elevators, grain bins, and barns or property which
4 memorializes or honors an individual or group of
5 police officers, fire fighters, members of the United
6 States Armed Forces, National Guard, or veterans.

7 (H) A violation of paragraphs (1) through (6) is a
8 Class 3 felony when the damage to property exceeds
9 \$10,000 but does not exceed \$100,000.

10 (I) A violation of paragraphs (1) through (6) is a
11 Class 2 felony when the damage to property exceeds
12 \$10,000 but does not exceed \$100,000 and the damage
13 occurs to property of a school or place of worship or
14 to farm equipment or immovable items of agricultural
15 production, including but not limited to grain
16 elevators, grain bins, and barns or property which
17 memorializes or honors an individual or group of
18 police officers, fire fighters, members of the United
19 States Armed Forces, National Guard, or veterans.

20 (J) A violation of paragraphs (1) through (6) is a
21 Class 2 felony when the damage to property exceeds
22 \$100,000. A violation of paragraphs (1) through (6) is
23 a Class 1 felony when the damage to property exceeds
24 \$100,000 and the damage occurs to property of a school
25 or place of worship or to farm equipment or immovable
26 items of agricultural production, including but not

1 limited to grain elevators, grain bins, and barns or
2 property which memorializes or honors an individual or
3 group of police officers, fire fighters, members of
4 the United States Armed Forces, National Guard, or
5 veterans.

6 (K) A violation of paragraph (10) of subsection
7 (a) is a Class 4 felony when the damage to property
8 does not exceed \$500.

9 (L) A violation of paragraph (10) of subsection
10 (a) is a Class 2 felony when the damage to property
11 exceeds \$500.

12 (2) When the damage to property exceeds \$10,000, the
13 court shall impose upon the offender a fine equal to the
14 value of the damages to the property.

15 (3) In addition to any other sentence that may be
16 imposed, a court shall order any person convicted of
17 criminal damage to property to perform community service
18 for not less than 30 and not more than 120 hours, if
19 community service is available in the jurisdiction and is
20 funded and approved by the county board of the county
21 where the offense was committed. In addition, whenever any
22 person is placed on supervision for an alleged offense
23 under this Section, the supervision shall be conditioned
24 upon the performance of the community service.

25 The community service requirement does not apply when
26 the court imposes a sentence of incarceration.

1 (4) In addition to any criminal penalties imposed for
2 a violation of this Section, if a person is convicted of or
3 placed on supervision for knowingly damaging or destroying
4 crops of another, including crops intended for personal,
5 commercial, research, or developmental purposes, the
6 person is liable in a civil action to the owner of any
7 crops damaged or destroyed for money damages up to twice
8 the market value of the crops damaged or destroyed.

9 (5) For the purposes of this subsection (d), "farm
10 equipment" means machinery or other equipment used in
11 farming.

12 (Source: P.A. 98-315, eff. 1-1-14; 99-631, eff. 1-1-17.)