



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0553

Introduced 2/23/2021, by Sen. Jil Tracy

SYNOPSIS AS INTRODUCED:

720 ILCS 5/1-6	from Ch. 38, par. 1-6
720 ILCS 5/12-3.05	was 720 ILCS 5/12-4
720 ILCS 5/16-1	from Ch. 38, par. 16-1
720 ILCS 5/17-56	was 720 ILCS 5/16-1.3

Amends the Criminal Code of 2012. Provides that a person who commits the offense of financial exploitation of an elderly person or a person with a disability may be tried in any county in which any part of the assets that the person obtained control over are held. Provides that a defense to aggravated battery of a person 60 years of age or older does not exist merely because the accused reasonably believed the victim to be than 60 years of age. Enhances the penalties for theft and theft by deception if the victim is 60 years of age or older or a person with a disability or if the offense was committed in a nursing home, an assisted living facility, or a supportive living facility. Provides that theft, theft by deception, and financial exploitation of an elderly person or a person with a disability is a Class X felony if the value of the property stolen or illegally obtained exceeds \$100,000 (rather than \$1,000,000).

LRB102 09973 RLC 15291 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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
5 changing Sections 1-6, 12-3.05, 16-1, and 17-56 as follows:

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

7 Sec. 1-6. Place of trial.

8 (a) Generally.

9 Criminal actions shall be tried in the county where the
10 offense was committed, except as otherwise provided by law.
11 The State is not required to prove during trial that the
12 alleged offense occurred in any particular county in this
13 State. When a defendant contests the place of trial under this
14 Section, all proceedings regarding this issue shall be
15 conducted under Section 114-1 of the Code of Criminal
16 Procedure of 1963. All objections of improper place of trial
17 are waived by a defendant unless made before trial.

18 (b) Assailant and Victim in Different Counties.

19 If a person committing an offense upon the person of
20 another is located in one county and his victim is located in
21 another county at the time of the commission of the offense,
22 trial may be had in either of said counties.

23 (c) Death and Cause of Death in Different Places or

1 Undetermined.

2 If cause of death is inflicted in one county and death
3 ensues in another county, the offender may be tried in either
4 county. If neither the county in which the cause of death was
5 inflicted nor the county in which death ensued are known
6 before trial, the offender may be tried in the county where the
7 body was found.

8 (d) Offense Commenced Outside the State.

9 If the commission of an offense commenced outside the
10 State is consummated within this State, the offender shall be
11 tried in the county where the offense is consummated.

12 (e) Offenses Committed in Bordering Navigable Waters.

13 If an offense is committed on any of the navigable waters
14 bordering on this State, the offender may be tried in any
15 county adjacent to such navigable water.

16 (f) Offenses Committed while in Transit.

17 If an offense is committed upon any railroad car, vehicle,
18 watercraft or aircraft passing within this State, and it
19 cannot readily be determined in which county the offense was
20 committed, the offender may be tried in any county through
21 which such railroad car, vehicle, watercraft or aircraft has
22 passed.

23 (g) Theft.

24 A person who commits theft of property may be tried in any
25 county in which he exerted control over such property.

26 (h) Bigamy.

1 A person who commits the offense of bigamy may be tried in
2 any county where the bigamous marriage or bigamous
3 cohabitation has occurred.

4 (i) Kidnaping.

5 A person who commits the offense of kidnaping may be tried
6 in any county in which his victim has traveled or has been
7 confined during the course of the offense.

8 (j) Pandering.

9 A person who commits the offense of pandering as set forth
10 in subdivision (a) (2) (A) or (a) (2) (B) of Section 11-14.3 may
11 be tried in any county in which the prostitution was practiced
12 or in any county in which any act in furtherance of the offense
13 shall have been committed.

14 (k) Treason.

15 A person who commits the offense of treason may be tried in
16 any county.

17 (l) Criminal Defamation.

18 If criminal defamation is spoken, printed or written in
19 one county and is received or circulated in another or other
20 counties, the offender shall be tried in the county where the
21 defamation is spoken, printed or written. If the defamation is
22 spoken, printed or written outside this state, or the offender
23 resides outside this state, the offender may be tried in any
24 county in this state in which the defamation was circulated or
25 received.

26 (m) Inchoate Offenses.

1 A person who commits an inchoate offense may be tried in
2 any county in which any act which is an element of the offense,
3 including the agreement in conspiracy, is committed.

4 (n) Accountability for Conduct of Another.

5 Where a person in one county solicits, aids, abets,
6 agrees, or attempts to aid another in the planning or
7 commission of an offense in another county, he may be tried for
8 the offense in either county.

9 (o) Child Abduction.

10 A person who commits the offense of child abduction may be
11 tried in any county in which his victim has traveled, been
12 detained, concealed or removed to during the course of the
13 offense. Notwithstanding the foregoing, unless for good cause
14 shown, the preferred place of trial shall be the county of the
15 residence of the lawful custodian.

16 (p) A person who commits the offense of narcotics
17 racketeering may be tried in any county where cannabis or a
18 controlled substance which is the basis for the charge of
19 narcotics racketeering was used; acquired; transferred or
20 distributed to, from or through; or any county where any act
21 was performed to further the use; acquisition, transfer or
22 distribution of said cannabis or controlled substance; any
23 money, property, property interest, or any other asset
24 generated by narcotics activities was acquired, used, sold,
25 transferred or distributed to, from or through; or, any
26 enterprise interest obtained as a result of narcotics

1 racketeering was acquired, used, transferred or distributed
2 to, from or through, or where any activity was conducted by the
3 enterprise or any conduct to further the interests of such an
4 enterprise.

5 (q) A person who commits the offense of money laundering
6 may be tried in any county where any part of a financial
7 transaction in criminally derived property took place or in
8 any county where any money or monetary instrument which is the
9 basis for the offense was acquired, used, sold, transferred or
10 distributed to, from or through.

11 (r) A person who commits the offense of cannabis
12 trafficking or controlled substance trafficking may be tried
13 in any county.

14 (s) A person who commits the offense of online sale of
15 stolen property, online theft by deception, or electronic
16 fencing may be tried in any county where any one or more
17 elements of the offense took place, regardless of whether the
18 element of the offense was the result of acts by the accused,
19 the victim or by another person, and regardless of whether the
20 defendant was ever physically present within the boundaries of
21 the county.

22 (t) A person who commits the offense of identity theft or
23 aggravated identity theft may be tried in any one of the
24 following counties in which: (1) the offense occurred; (2) the
25 information used to commit the offense was illegally used; or
26 (3) the victim resides.

1 (u) A person who commits the offense of financial
2 exploitation of an elderly person or a person with a
3 disability may be tried in any one of the following counties in
4 which: (1) any part of the offense occurred; ~~or~~ (2) the victim
5 or one of the victims reside; or (3) any part of the assets
6 that the person obtained control over are held.

7 If a person is charged with more than one violation of
8 identity theft or aggravated identity theft and those
9 violations may be tried in more than one county, any of those
10 counties is a proper venue for all of the violations.

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

12 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

13 Sec. 12-3.05. Aggravated battery.

14 (a) Offense based on injury. A person commits aggravated
15 battery when, in committing a battery, other than by the
16 discharge of a firearm, he or she knowingly does any of the
17 following:

18 (1) Causes great bodily harm or permanent disability
19 or disfigurement.

20 (2) Causes severe and permanent disability, great
21 bodily harm, or disfigurement by means of a caustic or
22 flammable substance, a poisonous gas, a deadly biological
23 or chemical contaminant or agent, a radioactive substance,
24 or a bomb or explosive compound.

25 (3) Causes great bodily harm or permanent disability

1 or disfigurement to an individual whom the person knows to
2 be a peace officer, community policing volunteer, fireman,
3 private security officer, correctional institution
4 employee, or Department of Human Services employee
5 supervising or controlling sexually dangerous persons or
6 sexually violent persons:

7 (i) performing his or her official duties;

8 (ii) battered to prevent performance of his or her
9 official duties; or

10 (iii) battered in retaliation for performing his
11 or her official duties.

12 (4) Causes great bodily harm or permanent disability
13 or disfigurement to an individual 60 years of age or
14 older. It is not a defense to this paragraph that the
15 person reasonably believed the individual battered to be
16 less than 60 years of age.

17 (5) Strangles another individual.

18 (b) Offense based on injury to a child or person with an
19 intellectual disability. A person who is at least 18 years of
20 age commits aggravated battery when, in committing a battery,
21 he or she knowingly and without legal justification by any
22 means:

23 (1) causes great bodily harm or permanent disability
24 or disfigurement to any child under the age of 13 years, or
25 to any person with a severe or profound intellectual
26 disability; or

1 (2) causes bodily harm or disability or disfigurement
2 to any child under the age of 13 years or to any person
3 with a severe or profound intellectual disability.

4 (c) Offense based on location of conduct. A person commits
5 aggravated battery when, in committing a battery, other than
6 by the discharge of a firearm, he or she is or the person
7 battered is on or about a public way, public property, a public
8 place of accommodation or amusement, a sports venue, or a
9 domestic violence shelter, or in a church, synagogue, mosque,
10 or other building, structure, or place used for religious
11 worship.

12 (d) Offense based on status of victim. A person commits
13 aggravated battery when, in committing a battery, other than
14 by discharge of a firearm, he or she knows the individual
15 battered to be any of the following:

16 (1) A person 60 years of age or older.

17 (2) A person who is pregnant or has a physical
18 disability.

19 (3) A teacher or school employee upon school grounds
20 or grounds adjacent to a school or in any part of a
21 building used for school purposes.

22 (4) A peace officer, community policing volunteer,
23 fireman, private security officer, correctional
24 institution employee, or Department of Human Services
25 employee supervising or controlling sexually dangerous
26 persons or sexually violent persons:

- 1 (i) performing his or her official duties;
2 (ii) battered to prevent performance of his or her
3 official duties; or
4 (iii) battered in retaliation for performing his
5 or her official duties.

6 (5) A judge, emergency management worker, emergency
7 medical services personnel, or utility worker:

- 8 (i) performing his or her official duties;
9 (ii) battered to prevent performance of his or her
10 official duties; or
11 (iii) battered in retaliation for performing his
12 or her official duties.

13 (6) An officer or employee of the State of Illinois, a
14 unit of local government, or a school district, while
15 performing his or her official duties.

16 (7) A transit employee performing his or her official
17 duties, or a transit passenger.

18 (8) A taxi driver on duty.

19 (9) A merchant who detains the person for an alleged
20 commission of retail theft under Section 16-26 of this
21 Code and the person without legal justification by any
22 means causes bodily harm to the merchant.

23 (10) A person authorized to serve process under
24 Section 2-202 of the Code of Civil Procedure or a special
25 process server appointed by the circuit court while that
26 individual is in the performance of his or her duties as a

1 process server.

2 (11) A nurse while in the performance of his or her
3 duties as a nurse.

4 (12) A merchant: (i) while performing his or her
5 duties, including, but not limited to, relaying directions
6 for healthcare or safety from his or her supervisor or
7 employer or relaying health or safety guidelines,
8 recommendations, regulations, or rules from a federal,
9 State, or local public health agency; and (ii) during a
10 disaster declared by the Governor, or a state of emergency
11 declared by the mayor of the municipality in which the
12 merchant is located, due to a public health emergency and
13 for a period of 6 months after such declaration.

14 (e) Offense based on use of a firearm. A person commits
15 aggravated battery when, in committing a battery, he or she
16 knowingly does any of the following:

17 (1) Discharges a firearm, other than a machine gun or
18 a firearm equipped with a silencer, and causes any injury
19 to another person.

20 (2) Discharges a firearm, other than a machine gun or
21 a firearm equipped with a silencer, and causes any injury
22 to a person he or she knows to be a peace officer,
23 community policing volunteer, person summoned by a police
24 officer, fireman, private security officer, correctional
25 institution employee, or emergency management worker:

26 (i) performing his or her official duties;

1 (ii) battered to prevent performance of his or her
2 official duties; or

3 (iii) battered in retaliation for performing his
4 or her official duties.

5 (3) Discharges a firearm, other than a machine gun or
6 a firearm equipped with a silencer, and causes any injury
7 to a person he or she knows to be emergency medical
8 services personnel:

9 (i) performing his or her official duties;

10 (ii) battered to prevent performance of his or her
11 official duties; or

12 (iii) battered in retaliation for performing his
13 or her official duties.

14 (4) Discharges a firearm and causes any injury to a
15 person he or she knows to be a teacher, a student in a
16 school, or a school employee, and the teacher, student, or
17 employee is upon school grounds or grounds adjacent to a
18 school or in any part of a building used for school
19 purposes.

20 (5) Discharges a machine gun or a firearm equipped
21 with a silencer, and causes any injury to another person.

22 (6) Discharges a machine gun or a firearm equipped
23 with a silencer, and causes any injury to a person he or
24 she knows to be a peace officer, community policing
25 volunteer, person summoned by a police officer, fireman,
26 private security officer, correctional institution

1 employee or emergency management worker:

2 (i) performing his or her official duties;

3 (ii) battered to prevent performance of his or her
4 official duties; or

5 (iii) battered in retaliation for performing his
6 or her official duties.

7 (7) Discharges a machine gun or a firearm equipped
8 with a silencer, and causes any injury to a person he or
9 she knows to be emergency medical services personnel:

10 (i) performing his or her official duties;

11 (ii) battered to prevent performance of his or her
12 official duties; or

13 (iii) battered in retaliation for performing his
14 or her official duties.

15 (8) Discharges a machine gun or a firearm equipped
16 with a silencer, and causes any injury to a person he or
17 she knows to be a teacher, or a student in a school, or a
18 school employee, and the teacher, student, or employee is
19 upon school grounds or grounds adjacent to a school or in
20 any part of a building used for school purposes.

21 (f) Offense based on use of a weapon or device. A person
22 commits aggravated battery when, in committing a battery, he
23 or she does any of the following:

24 (1) Uses a deadly weapon other than by discharge of a
25 firearm, or uses an air rifle as defined in Section
26 24.8-0.1 of this Code.

1 (2) Wears a hood, robe, or mask to conceal his or her
2 identity.

3 (3) Knowingly and without lawful justification shines
4 or flashes a laser gunsight or other laser device attached
5 to a firearm, or used in concert with a firearm, so that
6 the laser beam strikes upon or against the person of
7 another.

8 (4) Knowingly video or audio records the offense with
9 the intent to disseminate the recording.

10 (g) Offense based on certain conduct. A person commits
11 aggravated battery when, other than by discharge of a firearm,
12 he or she does any of the following:

13 (1) Violates Section 401 of the Illinois Controlled
14 Substances Act by unlawfully delivering a controlled
15 substance to another and any user experiences great bodily
16 harm or permanent disability as a result of the injection,
17 inhalation, or ingestion of any amount of the controlled
18 substance.

19 (2) Knowingly administers to an individual or causes
20 him or her to take, without his or her consent or by threat
21 or deception, and for other than medical purposes, any
22 intoxicating, poisonous, stupefying, narcotic,
23 anesthetic, or controlled substance, or gives to another
24 person any food containing any substance or object
25 intended to cause physical injury if eaten.

26 (3) Knowingly causes or attempts to cause a

1 correctional institution employee or Department of Human
2 Services employee to come into contact with blood, seminal
3 fluid, urine, or feces by throwing, tossing, or expelling
4 the fluid or material, and the person is an inmate of a
5 penal institution or is a sexually dangerous person or
6 sexually violent person in the custody of the Department
7 of Human Services.

8 (h) Sentence. Unless otherwise provided, aggravated
9 battery is a Class 3 felony.

10 Aggravated battery as defined in subdivision (a)(4),
11 (d)(4), or (g)(3) is a Class 2 felony.

12 Aggravated battery as defined in subdivision (a)(3) or
13 (g)(1) is a Class 1 felony.

14 Aggravated battery as defined in subdivision (a)(1) is a
15 Class 1 felony when the aggravated battery was intentional and
16 involved the infliction of torture, as defined in paragraph
17 (14) of subsection (b) of Section 9-1 of this Code, as the
18 infliction of or subjection to extreme physical pain,
19 motivated by an intent to increase or prolong the pain,
20 suffering, or agony of the victim.

21 Aggravated battery as defined in subdivision (a)(1) is a
22 Class 2 felony when the person causes great bodily harm or
23 permanent disability to an individual whom the person knows to
24 be a member of a congregation engaged in prayer or other
25 religious activities at a church, synagogue, mosque, or other
26 building, structure, or place used for religious worship.

1 Aggravated battery under subdivision (a)(5) is a Class 1
2 felony if:

3 (A) the person used or attempted to use a dangerous
4 instrument while committing the offense;

5 (B) the person caused great bodily harm or permanent
6 disability or disfigurement to the other person while
7 committing the offense; or

8 (C) the person has been previously convicted of a
9 violation of subdivision (a)(5) under the laws of this
10 State or laws similar to subdivision (a)(5) of any other
11 state.

12 Aggravated battery as defined in subdivision (e)(1) is a
13 Class X felony.

14 Aggravated battery as defined in subdivision (a)(2) is a
15 Class X felony for which a person shall be sentenced to a term
16 of imprisonment of a minimum of 6 years and a maximum of 45
17 years.

18 Aggravated battery as defined in subdivision (e)(5) is a
19 Class X felony for which a person shall be sentenced to a term
20 of imprisonment of a minimum of 12 years and a maximum of 45
21 years.

22 Aggravated battery as defined in subdivision (e)(2),
23 (e)(3), or (e)(4) is a Class X felony for which a person shall
24 be sentenced to a term of imprisonment of a minimum of 15 years
25 and a maximum of 60 years.

26 Aggravated battery as defined in subdivision (e)(6),

1 (e) (7), or (e) (8) is a Class X felony for which a person shall
2 be sentenced to a term of imprisonment of a minimum of 20 years
3 and a maximum of 60 years.

4 Aggravated battery as defined in subdivision (b) (1) is a
5 Class X felony, except that:

6 (1) if the person committed the offense while armed
7 with a firearm, 15 years shall be added to the term of
8 imprisonment imposed by the court;

9 (2) if, during the commission of the offense, the
10 person personally discharged a firearm, 20 years shall be
11 added to the term of imprisonment imposed by the court;

12 (3) if, during the commission of the offense, the
13 person personally discharged a firearm that proximately
14 caused great bodily harm, permanent disability, permanent
15 disfigurement, or death to another person, 25 years or up
16 to a term of natural life shall be added to the term of
17 imprisonment imposed by the court.

18 (i) Definitions. In this Section:

19 "Building or other structure used to provide shelter" has
20 the meaning ascribed to "shelter" in Section 1 of the Domestic
21 Violence Shelters Act.

22 "Domestic violence" has the meaning ascribed to it in
23 Section 103 of the Illinois Domestic Violence Act of 1986.

24 "Domestic violence shelter" means any building or other
25 structure used to provide shelter or other services to victims
26 or to the dependent children of victims of domestic violence

1 pursuant to the Illinois Domestic Violence Act of 1986 or the
2 Domestic Violence Shelters Act, or any place within 500 feet
3 of such a building or other structure in the case of a person
4 who is going to or from such a building or other structure.

5 "Firearm" has the meaning provided under Section 1.1 of
6 the Firearm Owners Identification Card Act, and does not
7 include an air rifle as defined by Section 24.8-0.1 of this
8 Code.

9 "Machine gun" has the meaning ascribed to it in Section
10 24-1 of this Code.

11 "Merchant" has the meaning ascribed to it in Section
12 16-0.1 of this Code.

13 "Strangle" means intentionally impeding the normal
14 breathing or circulation of the blood of an individual by
15 applying pressure on the throat or neck of that individual or
16 by blocking the nose or mouth of that individual.

17 (Source: P.A. 101-223, eff. 1-1-20; 101-651, eff. 8-7-20.)

18 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

19 Sec. 16-1. Theft.

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

21 (1) Obtains or exerts unauthorized control over
22 property of the owner; or

23 (2) Obtains by deception control over property of the
24 owner; or

25 (3) Obtains by threat control over property of the

1 owner; or

2 (4) Obtains control over stolen property knowing the
3 property to have been stolen or under such circumstances
4 as would reasonably induce him or her to believe that the
5 property was stolen; or

6 (5) Obtains or exerts control over property in the
7 custody of any law enforcement agency which any law
8 enforcement officer or any individual acting in behalf of
9 a law enforcement agency explicitly represents to the
10 person as being stolen or represents to the person such
11 circumstances as would reasonably induce the person to
12 believe that the property was stolen, and

13 (A) Intends to deprive the owner permanently of
14 the use or benefit of the property; or

15 (B) Knowingly uses, conceals or abandons the
16 property in such manner as to deprive the owner
17 permanently of such use or benefit; or

18 (C) Uses, conceals, or abandons the property
19 knowing such use, concealment or abandonment probably
20 will deprive the owner permanently of such use or
21 benefit.

22 (b) Sentence.

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

25 (1.1) Theft of property not from the person and not
26 exceeding \$500 in value is a Class 4 felony if the theft

1 was committed in a school, ~~or~~ place of worship, nursing
2 home, an assisted living facility, or a supportive living
3 facility or if the theft was of governmental property.

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

16 (3) (Blank).

17 (4) 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 3 felony.

20 (4.1) Theft of property from the person not exceeding
21 \$500 in value, or theft of property exceeding \$500 and not
22 exceeding \$10,000 in value, is a Class 2 felony if the
23 theft was committed in a school, ~~or~~ place of worship,
24 nursing home, an assisted living facility, or a supportive
25 living facility or if the theft was of governmental
26 property.

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

3 (5.1) Theft of property exceeding \$10,000 and not
4 exceeding \$100,000 in value is a Class 1 felony if the
5 theft was committed in a school, ~~or~~ place of worship,
6 nursing home, an assisted living facility, or a supportive
7 living facility or if the theft was of governmental
8 property.

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

11 (6.1) Theft of property exceeding \$100,000 in value is
12 a Class X felony if the theft was committed in a school, ~~or~~
13 place of worship, nursing home, an assisted living
14 facility, or a supportive living facility or if the theft
15 was of governmental property.

16 (6.2) Theft of property exceeding \$500,000 and not
17 exceeding \$1,000,000 in value is a Class 1
18 non-probationable felony.

19 (6.3) Theft of property exceeding \$1,000,000 in value
20 is a Class X felony.

21 (7) Theft by deception, as described by paragraph (2)
22 of subsection (a) of this Section from a victim aged at
23 least 60 years but not exceeding 69 years or a person with
24 a disability, in which the offender obtained money or
25 property with the following values:

26 (A) not exceeding \$300 is a Class 4 felony;

1 (B) exceeding \$300 but not exceeding \$5,000 is a
2 Class 3 felony;

3 (C) exceeding \$5,000 but not exceeding \$50,000 is
4 a Class 2 felony;

5 (D) exceeding \$50,000 but not exceeding \$100,000
6 is a Class 1 felony; and

7 (E) exceeding \$100,000 is a Class X felony ~~valued~~
8 ~~at \$5,000 or more from a victim 60 years of age or~~
9 ~~older or a person with a disability is a Class 2~~
10 ~~felony.~~

11 (7.1) Theft by deception, as described by paragraph
12 (2) of subsection (a) of this Section, from a victim aged
13 at least 70 years but not exceeding 79 years in which the
14 offender obtained money or property with the following
15 values:

16 (A) not exceeding \$300 is a Class 4 felony;

17 (B) exceeding \$300 but not exceeding \$5,000 is a
18 Class 3 felony;

19 (C) exceeding \$5,000 but not exceeding \$15,000 is
20 a Class 2 felony;

21 (D) exceeding \$15,000 but not exceeding \$100,000
22 is a Class 1 felony; and

23 (E) exceeding \$100,000 is a Class X felony.

24 (7.2) Theft by deception, as described by paragraph
25 (2) of subsection (a) of this Section, from a victim aged
26 at least 80 years in which the offender obtained money or

1 property with the following values:

2 (A) not exceeding \$300 is a Class 4 felony;

3 (B) exceeding \$300 but not exceeding \$5,000 is a
4 Class 3 felony;

5 (C) exceeding \$5,000 but not exceeding \$100,000 is
6 a Class 1 felony; and

7 (D) exceeding \$100,000 is a Class X felony.

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

14 (9) Theft by deception, as described by paragraph (2)
15 of subsection (a) of this Section, in which the offender
16 falsely poses as a landlord or agent or employee of the
17 landlord and obtains a rent payment or a security deposit
18 from a tenant is a Class 2 felony if the rent payment or
19 security deposit obtained exceeds \$500 and does not exceed
20 \$10,000.

21 (10) Theft by deception, as described by paragraph (2)
22 of subsection (a) of this Section, in which the offender
23 falsely poses as a landlord or agent or employee of the
24 landlord and obtains a rent payment or a security deposit
25 from a tenant is a Class 1 felony if the rent payment or
26 security deposit obtained exceeds \$10,000 and does not

1 exceed \$100,000.

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

8 (c) When a charge of theft of property exceeding a
9 specified value is brought, the value of the property involved
10 is an element of the offense to be resolved by the trier of
11 fact as either exceeding or not exceeding the specified value.

12 (d) Theft by lessee; permissive inference. The trier of
13 fact may infer evidence that a person intends to deprive the
14 owner permanently of the use or benefit of the property (1) if
15 a lessee of the personal property of another fails to return it
16 to the owner within 10 days after written demand from the owner
17 for its return or (2) if a lessee of the personal property of
18 another fails to return it to the owner within 24 hours after
19 written demand from the owner for its return and the lessee had
20 presented identification to the owner that contained a
21 materially fictitious name, address, or telephone number. A
22 notice in writing, given after the expiration of the leasing
23 agreement, addressed and mailed, by registered mail, to the
24 lessee at the address given by him and shown on the leasing
25 agreement shall constitute proper demand.

26 (e) Permissive inference; evidence of intent that a person

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

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

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

22 (2) Where the property involved is that of the
23 offender's spouse, no prosecution for theft may be
24 maintained unless the parties were not living together as
25 man and wife and were living in separate abodes at the time
26 of the alleged theft.

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

2 (720 ILCS 5/17-56) (was 720 ILCS 5/16-1.3)

3 Sec. 17-56. Financial exploitation of an elderly person or
4 a person with a disability.

5 (a) A person commits financial exploitation of an elderly
6 person or a person with a disability when he or she stands in a
7 position of trust or confidence with the elderly person or a
8 person with a disability and he or she knowingly:

9 (1) by deception or intimidation obtains control over
10 the property of an elderly person or a person with a
11 disability; or

12 (2) illegally uses the assets or resources of an
13 elderly person or a person with a disability.

14 (b) Sentence. Financial exploitation of an elderly person
15 or a person with a disability is:

16 (1) A ~~a~~ Class 4 felony if the value of the property is
17 \$300 or less. τ

18 (2) A ~~a~~ Class 3 felony if the value of the property is
19 more than \$300 but less than \$5,000. τ

20 (3) A ~~a~~ Class 2 felony if the value of the property is
21 \$5,000 or more but less than \$50,000. τ ~~and~~

22 (4) A ~~a~~ Class 1 felony:

23 (A) if the value of the property is \$50,000 or more
24 but less than \$100,000; ~~or~~

25 (B) if the elderly person is over 70 years of age

1 and the value of the property is \$15,000 or more but
2 less than \$100,000; or

3 (C) if the elderly person is 80 years of age or
4 older and the value of the property is \$5,000 or more
5 but less than \$100,000.

6 (5) A Class X felony if the value of the property is
7 \$100,000 or more.

8 (c) For purposes of this Section:

9 (1) "Elderly person" means a person 60 years of age or
10 older.

11 (2) "Person with a disability" means a person who
12 suffers from a physical or mental impairment resulting
13 from disease, injury, functional disorder or congenital
14 condition that impairs the individual's mental or physical
15 ability to independently manage his or her property or
16 financial resources, or both.

17 (3) "Intimidation" means the communication to an
18 elderly person or a person with a disability that he or she
19 shall be deprived of food and nutrition, shelter,
20 prescribed medication or medical care and treatment or
21 conduct as provided in Section 12-6 of this Code.

22 (4) "Deception" means, in addition to its meaning as
23 defined in Section 15-4 of this Code, a misrepresentation
24 or concealment of material fact relating to the terms of a
25 contract or agreement entered into with the elderly person
26 or person with a disability or to the existing or

1 pre-existing condition of any of the property involved in
2 such contract or agreement; or the use or employment of
3 any misrepresentation, false pretense or false promise in
4 order to induce, encourage or solicit the elderly person
5 or person with a disability to enter into a contract or
6 agreement.

7 The illegal use of the assets or resources of an elderly
8 person or a person with a disability includes, but is not
9 limited to, the misappropriation of those assets or resources
10 by undue influence, breach of a fiduciary relationship, fraud,
11 deception, extortion, or use of the assets or resources
12 contrary to law.

13 A person stands in a position of trust and confidence with
14 an elderly person or person with a disability when he (i) is a
15 parent, spouse, adult child or other relative by blood or
16 marriage of the elderly person or person with a disability,
17 (ii) is a joint tenant or tenant in common with the elderly
18 person or person with a disability, (iii) has a legal or
19 fiduciary relationship with the elderly person or person with
20 a disability, (iv) is a financial planning or investment
21 professional, or (v) is a paid or unpaid caregiver for the
22 elderly person or person with a disability.

23 (d) Limitations. Nothing in this Section shall be
24 construed to limit the remedies available to the victim under
25 the Illinois Domestic Violence Act of 1986.

26 (e) Good faith efforts. Nothing in this Section shall be

1 construed to impose criminal liability on a person who has
2 made a good faith effort to assist the elderly person or person
3 with a disability in the management of his or her property, but
4 through no fault of his or her own has been unable to provide
5 such assistance.

6 (f) Not a defense. It shall not be a defense to financial
7 exploitation of an elderly person or person with a disability
8 that the accused reasonably believed that the victim was not
9 an elderly person or person with a disability. Consent is not a
10 defense to financial exploitation of an elderly person or a
11 person with a disability if the accused knew or had reason to
12 know that the elderly person or a person with a disability
13 lacked capacity to consent.

14 (g) Civil Liability. A civil cause of action exists for
15 financial exploitation of an elderly person or a person with a
16 disability as described in subsection (a) of this Section. A
17 person against whom a civil judgment has been entered for
18 financial exploitation of an elderly person or person with a
19 disability shall be liable to the victim or to the estate of
20 the victim in damages of treble the amount of the value of the
21 property obtained, plus reasonable attorney fees and court
22 costs. In a civil action under this subsection, the burden of
23 proof that the defendant committed financial exploitation of
24 an elderly person or a person with a disability as described in
25 subsection (a) of this Section shall be by a preponderance of
26 the evidence. This subsection shall be operative whether or

1 not the defendant has been charged or convicted of the
2 criminal offense as described in subsection (a) of this
3 Section. This subsection (g) shall not limit or affect the
4 right of any person to bring any cause of action or seek any
5 remedy available under the common law, or other applicable
6 law, arising out of the financial exploitation of an elderly
7 person or a person with a disability.

8 (h) If a person is charged with financial exploitation of
9 an elderly person or a person with a disability that involves
10 the taking or loss of property valued at more than \$5,000, a
11 prosecuting attorney may file a petition with the circuit
12 court of the county in which the defendant has been charged to
13 freeze the assets of the defendant in an amount equal to but
14 not greater than the alleged value of lost or stolen property
15 in the defendant's pending criminal proceeding for purposes of
16 restitution to the victim. The burden of proof required to
17 freeze the defendant's assets shall be by a preponderance of
18 the evidence.

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