

# SB3122



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3122

Introduced 2/2/2024, by Sen. Donald P. DeWitte

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/16-30

Amends the Criminal Code of 2012. Provides that when "another" or "another person" is used in the identity theft and aggravated identity theft statute it includes, but is not limited to, an individual, whether living or deceased or real or fictitious. Provides that it also includes any entity, firm, association, organization, partnership, business trust, company, corporation, limited liability company, professional corporation, or other private or public entity.

LRB103 37996 RLC 68128 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  
5 changing 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 information or  
15 personal identification document of another with intent to  
16 commit any felony not set forth in paragraph (1) of this  
17 subsection (a);

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

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

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

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

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

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

22 (7.5) uses, possesses, or transfers a radio frequency  
23 identification device capable of obtaining or processing  
24 personal identifying information from a radio frequency  
25 identification (RFID) tag or transponder with knowledge  
26 that the device will be used by the person or another to

1           commit a felony violation of State law or any violation of  
2           this Article; or

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

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

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

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

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

26          (c) Knowledge shall be determined by an evaluation of all

1 circumstances surrounding the use of the other person's  
2 identifying information or document.

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

9 (e) Sentence.

10 (1) Identity theft.

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

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

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

1 exploitation of an elderly person or person with a  
2 disability is guilty of a Class 2 felony.

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

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

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

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

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

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

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



1 the Illinois National Guard serving in a foreign  
2 country is guilty of a Class 1 felony.

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

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

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

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

19 (2) Aggravated identity theft.

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

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

26 (C) Aggravated identity theft of credit, money,

1 goods, services, or other property exceeding \$10,000  
2 in value and not exceeding \$100,000 in value is a Class  
3 1 felony.

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

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

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

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

23 (f) As used in this Section, "another" or "another person"  
24 includes, but is not limited to, an individual, whether living  
25 or deceased or real or fictitious. It also includes any  
26 entity, firm, association, organization, partnership, business

1 trust, company, corporation, limited liability company,  
2 professional corporation, or other private or public entity.

3 (Source: P.A. 101-324, eff. 1-1-20.)