



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB2701

Introduced 2/22/2005, by Rep. Ruth Munson

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/16G-20

Amends the Criminal Code of 1961. Enhances the penalties for aggravated identity theft. Provides that aggravated identity theft of property not exceeding \$300 in value is a Class 3 (rather than Class 4) felony. Provides that aggravated identity theft of property exceeding \$300 and not exceeding \$10,000 in value is a Class 2 (rather than Class 3) felony. Provides that aggravated identity theft of property exceeding \$10,000 in value and not exceeding \$100,000 in value is a Class 1 (rather than Class 2) felony. Provides that aggravated identity theft of property exceeding \$100,000 in value is a Class X (rather than Class 1) felony. Provides that the penalty for a person who is convicted of a second or subsequent offense of aggravated identity theft who has been previously convicted of aggravated identity theft regardless of the value of the property is an enhanced Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 15 years and not more than 50 years.

LRB094 09147 RXD 39379 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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 1961 is amended by changing  
5 Section 16G-20 as follows:

6 (720 ILCS 5/16G-20)

7 Sec. 16G-20. Aggravated identity theft.

8 (a) A person commits the offense of aggravated identity  
9 theft when he or she commits the offense of identity theft as  
10 set forth in subsection (a) of Section 16G-15 against a person  
11 60 years of age or older or a disabled person as defined in  
12 Section 16-1.3 of this Code.

13 (b) Knowledge shall be determined by an evaluation of all  
14 circumstances surrounding the use of the other person's  
15 identifying information or document.

16 (c) When a charge of aggravated identity theft of credit,  
17 money, goods, services, or other property exceeding a specified  
18 value is brought the value of the credit, money, goods,  
19 services, or other property is an element of the offense to be  
20 resolved by the trier of fact as either exceeding or not  
21 exceeding the specified value.

22 (d) A defense to aggravated identity theft does not exist  
23 merely because the accused reasonably believed the victim to be  
24 a person less than 60 years of age.

25 (e) Sentence.

26 (1) Aggravated identity theft of credit, money, goods,  
27 services, or other property not exceeding \$300 in value is  
28 a Class 3 ~~4~~ felony.

29 (2) Aggravated identity theft of credit, money, goods,  
30 services, or other property exceeding \$300 and not  
31 exceeding \$10,000 in value is a Class 2 ~~3~~ felony.

32 (3) Aggravated identity theft of credit, money, goods,

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

3 (4) Aggravated identity theft of credit, money, goods,  
4 services, or other property exceeding \$100,000 in value is  
5 a Class X ~~1~~ felony.

6 (5) A person who has been previously convicted of  
7 aggravated identity theft regardless of the value of the  
8 property involved who is convicted of a second or  
9 subsequent offense of aggravated identity theft regardless  
10 of the value of the property involved is guilty of an  
11 enhanced ~~a~~ Class X felony for which the person shall be  
12 sentenced to a term of imprisonment of not less than 15  
13 years and not more than 50 years.

14 (Source: P.A. 93-401, eff. 7-31-03.)