

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-15 as follows:

6 (720 ILCS 5/16G-15)

7 Sec. 16G-15. Identity theft.

8 (a) A person commits the offense of identity theft when he
9 or she 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, or

14 (2) uses any personal identification information or
15 personal identification document of another with intent to
16 commit any felony theft or other felony violation of State
17 law not set forth in paragraph (1) of this subsection (a),
18 or

19 (3) obtains, records, possesses, sells, transfers,
20 purchases, or manufactures any personal identification
21 information or personal identification document of another
22 with intent to commit or to aid or abet another in
23 committing any felony theft or other felony violation of
24 State law, or

25 (4) uses, obtains, records, possesses, sells,
26 transfers, purchases, or manufactures any personal
27 identification information or personal identification
28 document of another knowing that such personal
29 identification information or personal identification
30 documents were stolen or produced without lawful
31 authority, or

32 (5) uses, transfers, or possesses document-making

1 implements to produce false identification or false
2 documents with knowledge that they will be used by the
3 person or another to commit any felony theft or other
4 felony violation of State law.

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

8 (c) When a charge of identity theft of credit, money,
9 goods, services, or other property exceeding a specified value
10 is brought the value of the credit, money, goods, services, or
11 other property is an element of the offense to be resolved by
12 the trier of fact as either exceeding or not exceeding the
13 specified value.

14 (d) Sentence.

15 (1) A person convicted of identity theft in violation
16 of paragraph (1) of subsection (a) shall be sentenced as
17 follows:

18 (A) identity theft of credit, money, goods,
19 services, or other property not exceeding \$300 in value
20 is a Class 4 felony. A person who has been previously
21 convicted of identity theft of less than \$300 who is
22 convicted of a second or subsequent offense of identity
23 theft of less than \$300 is guilty of a Class 3 felony.
24 A person who has been convicted of identity theft of
25 less than \$300 who has been previously convicted of any
26 type of theft, robbery, armed robbery, burglary,
27 residential burglary, possession of burglary tools,
28 home invasion, home repair fraud, aggravated home
29 repair fraud, or financial exploitation of an elderly
30 or disabled person is guilty of a Class 3 felony. When
31 a person has any such prior conviction, the information
32 or indictment charging that person shall state the
33 prior conviction so as to give notice of the State's
34 intention to treat the charge as a Class 3 felony. The
35 fact of the prior conviction is not an element of the
36 offense and may not be disclosed to the jury during

1 trial unless otherwise permitted by issues properly
2 raised during the trial.

3 (B) 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 (C) Identity theft of credit, money, goods,
7 services, or other property exceeding \$2,000 and not
8 exceeding \$10,000 in value is a Class 2 felony.

9 (D) Identity theft of credit, money, goods,
10 services, or other property exceeding \$10,000 and not
11 exceeding \$100,000 in value is a Class 1 felony.

12 (E) Identity theft of credit, money, goods,
13 services, or other property exceeding \$100,000 in
14 value is a Class X felony.

15 (2) A person convicted of any offense enumerated in
16 paragraphs (2) through (5) of subsection (a) is guilty of a
17 Class 3 felony.

18 (3) A person convicted of any offense enumerated in
19 paragraphs (2) through (5) of subsection (a) a second or
20 subsequent time is guilty of a Class 2 felony.

21 (4) A person who, within a 12 month period, is found in
22 violation of any offense enumerated in paragraphs (2)
23 through (5) of subsection (a) with respect to the
24 identifiers of 3 or more separate individuals, at the same
25 time or consecutively, is guilty of a Class 2 felony.

26 (5) A person convicted of identity theft in violation
27 of paragraph (2) of subsection (a) who uses any personal
28 identification information or personal identification
29 document of another to purchase methamphetamine
30 manufacturing material as defined in Section 10 of the
31 Methamphetamine Control and Community Protection Act with
32 the intent to unlawfully manufacture methamphetamine is
33 guilty of a Class 2 felony for a first offense and a Class
34 1 felony for a second or subsequent offense.

35 (Source: P.A. 93-401, eff. 7-31-03; 94-39, eff. 6-16-05.)