



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB3593

Introduced 2/28/2007, by Rep. Sidney H. Mathias

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-1-12 new  
720 ILCS 5/16A-7

from Ch. 38, par. 16A-7

Amends the Municipal Code. Provides that the corporate authorities of a municipality may enact an ordinance declaring retail theft to be unlawful. Provides that the ordinance shall not apply to any offense that is considered a felony under the Criminal Code of 1961. Amends the Criminal Code of 1961. Provides that any person who violates a municipal retail theft ordinance shall be civilly liable to the merchant. Effective immediately.

LRB095 03846 HLH 23877 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by adding  
5 Section 11-1-12 as follows:

6 (65 ILCS 5/11-1-12 new)

7 Sec. 11-1-12. Local retail theft ordinance. The corporate  
8 authorities of a municipality may, by ordinance, declare retail  
9 theft, as defined by the Criminal Code of 1961, to be unlawful.  
10 An ordinance enacted under this Section shall not apply to any  
11 offense that is considered a felony under the Criminal Code of  
12 1961. An action to enforce an ordinance enacted under this  
13 Section shall be brought in the circuit court and shall not be  
14 subject to adjudication in any administrative adjudication  
15 system that may be established by the municipality. This  
16 Section is not a limitation on home rule units.

17 Section 10. The Criminal Code of 1961 is amended by  
18 changing Section 16A-7 as follows:

19 (720 ILCS 5/16A-7) (from Ch. 38, par. 16A-7)

20 Sec. 16A-7. Civil Liability.

21 (a) A person who commits the offense of retail theft as

1 defined in Section 16A-3 paragraphs (a), (b), (c), or (h) of  
2 this Code or Section 11-1-12 of the Illinois Municipal Code,  
3 shall be civilly liable to the merchant of the merchandise in  
4 an amount consisting of:

5 (i) actual damages equal to the full retail value of  
6 the merchandise as defined herein; plus

7 (ii) an amount not less than \$100 nor more than \$1,000;  
8 plus

9 (iii) attorney's fees and court costs.

10 (b) If a minor commits the offense of retail theft, the  
11 parents or guardian of said minor shall be civilly liable as  
12 provided in this Section; provided, however that a guardian  
13 appointed pursuant to the Juvenile Court Act or the Juvenile  
14 Court Act of 1987 shall not be liable under this Section. Total  
15 recovery under this Section shall not exceed the maximum  
16 recovery permitted under Section 5 of the "Parental  
17 Responsibility Law", approved October 6, 1969, as now or  
18 hereafter amended.

19 (c) A conviction or a plea of guilty to the offense of  
20 retail theft is not a prerequisite to the bringing of a civil  
21 suit hereunder.

22 (d) Judgments arising under this Section may be assigned.

23 (Source: P.A. 93-329, eff. 7-24-03.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.