

SB2366



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2366

Introduced 2/14/2008, by Sen. Dale A. Righter

SYNOPSIS AS INTRODUCED:

720 ILCS 5/16-1.1

from Ch. 38, par. 16-1.1

Amends the Criminal Code of 1961 in relation to theft by a lessee. Provides that the trier of fact may infer evidence (rather than that it is prima facie evidence) that a person intends to deprive the owner permanently of the use or benefit of the property (rather than "knowingly obtains or exerts unauthorized control over property of the owner") (1) if a lessee of the personal property of another fails to return it to the owner within 5 (rather than 10) days after written demand from the owner for its return or (2) if a lessee of the personal property of another fails to return it to the owner within 24 hours after written demand from the owner for its return and the lessee had presented identification to the owner that contained a materially fictitious name, address, or telephone number.

LRB095 18686 RLC 44785 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 1961 is amended by changing
5 Section 16-1.1 as follows:

6 (720 ILCS 5/16-1.1) (from Ch. 38, par. 16-1.1)

7 Sec. 16-1.1. Theft by lessee; permissive inference ~~prima~~
8 ~~facie evidence. The trier of fact may infer~~ It shall be prima
9 ~~facie~~ evidence that a person intends to deprive the owner
10 permanently of the use or benefit of the property ~~"knowingly~~
11 ~~obtains or exerts unauthorized control over property of the~~
12 ~~owner"~~ (1) if a lessee of the personal property of another
13 fails to return it to the owner within 5 ~~10~~ days after written
14 demand from the owner for its return or (2) if a lessee of the
15 personal property of another fails to return it to the owner
16 within 24 hours after written demand from the owner for its
17 return and the lessee had presented identification to the owner
18 that contained a materially fictitious name, address, or
19 telephone number. A notice in writing, given after the
20 expiration of the leasing agreement, addressed and mailed, by
21 registered mail, to the lessee at the address given by him and
22 shown on the leasing agreement shall constitute proper demand.
23 (Source: P.A. 89-373, eff. 1-1-96.)