

**HB3934**



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**HB3934**

Introduced 2/26/2009, by Rep. LaShawn K. Ford

**SYNOPSIS AS INTRODUCED:**

720 ILCS 5/16-1

from Ch. 38, par. 16-1

Amends the Criminal Code of 1961. Enhances the penalty for theft by one class higher if the offender falsely poses as a landlord or agent or employee of the landlord and obtains a rent payment or a security deposit from a tenant.

LRB096 10494 RLC 20666 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

**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 as follows:

6 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

7 Sec. 16-1. Theft.

8 (a) A person commits theft when he knowingly:

9 (1) Obtains or exerts unauthorized control over  
10 property of the owner; or

11 (2) Obtains by deception control over property of the  
12 owner; or

13 (3) Obtains by threat control over property of the  
14 owner; or

15 (4) Obtains control over stolen property knowing the  
16 property to have been stolen or under such circumstances as  
17 would reasonably induce him to believe that the property  
18 was stolen; or

19 (5) Obtains or exerts control over property in the  
20 custody of any law enforcement agency which is explicitly  
21 represented to him by any law enforcement officer or any  
22 individual acting in behalf of a law enforcement agency as  
23 being stolen, and

1 (A) Intends to deprive the owner permanently of the  
2 use or benefit of the property; or

3 (B) Knowingly uses, conceals or abandons the  
4 property in such manner as to deprive the owner  
5 permanently of such use or benefit; or

6 (C) Uses, conceals, or abandons the property  
7 knowing such use, concealment or abandonment probably  
8 will deprive the owner permanently of such use or  
9 benefit.

10 (b) Sentence.

11 (1) Theft of property not from the person and not  
12 exceeding \$300 in value is a Class A misdemeanor.

13 (1.1) Theft of property not from the person and not  
14 exceeding \$300 in value is a Class 4 felony if the theft  
15 was committed in a school or place of worship or if the  
16 theft was of governmental property.

17 (2) A person who has been convicted of theft of  
18 property not from the person and not exceeding \$300 in  
19 value who has been previously convicted of any type of  
20 theft, robbery, armed robbery, burglary, residential  
21 burglary, possession of burglary tools, home invasion,  
22 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or  
23 4-103.3 of the Illinois Vehicle Code relating to the  
24 possession of a stolen or converted motor vehicle, or a  
25 violation of Section 8 of the Illinois Credit Card and  
26 Debit Card Act is guilty of a Class 4 felony. When a person

1 has any such prior conviction, the information or  
2 indictment charging that person shall state such prior  
3 conviction so as to give notice of the State's intention to  
4 treat the charge as a felony. The fact of such prior  
5 conviction is not an element of the offense and may not be  
6 disclosed to the jury during trial unless otherwise  
7 permitted by issues properly raised during such trial.

8 (3) (Blank).

9 (4) Theft of property from the person not exceeding  
10 \$300 in value, or theft of property exceeding \$300 and not  
11 exceeding \$10,000 in value, is a Class 3 felony.

12 (4.1) Theft of property from the person not exceeding  
13 \$300 in value, or theft of property exceeding \$300 and not  
14 exceeding \$10,000 in value, is a Class 2 felony if the  
15 theft was committed in a school or place of worship or if  
16 the theft was of governmental property.

17 (5) Theft of property exceeding \$10,000 and not  
18 exceeding \$100,000 in value is a Class 2 felony.

19 (5.1) Theft of property exceeding \$10,000 and not  
20 exceeding \$100,000 in value is a Class 1 felony if the  
21 theft was committed in a school or place of worship or if  
22 the theft was of governmental property.

23 (6) Theft of property exceeding \$100,000 and not  
24 exceeding \$500,000 in value is a Class 1 felony.

25 (6.1) Theft of property exceeding \$100,000 in value is  
26 a Class X felony if the theft was committed in a school or

1 place of worship or if the theft was of governmental  
2 property.

3 (6.2) Theft of property exceeding \$500,000 in value is  
4 a Class 1 non-probationable felony.

5 (7) Theft by deception, as described by paragraph (2)  
6 of subsection (a) of this Section, in which the offender  
7 obtained money or property valued at \$5,000 or more from a  
8 victim 60 years of age or older is a Class 2 felony.

9 (8) Theft by deception, as described by paragraph (2)  
10 of subsection (a) of this Section, in which the offender  
11 falsely poses as a landlord or agent or employee of the  
12 landlord and obtains a rent payment or a security deposit  
13 from a tenant is a Class 3 felony if the rent payment or  
14 security deposit obtained does not exceed \$300.

15 (9) Theft by deception, as described by paragraph (2)  
16 of subsection (a) of this Section, in which the offender  
17 falsely poses as a landlord or agent or employee of the  
18 landlord and obtains a rent payment or a security deposit  
19 from a tenant is a Class 2 felony if the rent payment or  
20 security deposit obtained exceeds \$300 and does not exceed  
21 \$10,000.

22 (10) Theft by deception, as described by paragraph (2)  
23 of subsection (a) of this Section, in which the offender  
24 falsely poses as a landlord or agent or employee of the  
25 landlord and obtains a rent payment or a security deposit  
26 from a tenant is a Class 1 felony if the rent payment or

1       security deposit obtained exceeds \$10,000 and does not  
2       exceed \$100,000.

3       (11) Theft by deception, as described by paragraph (2)  
4       of subsection (a) of this Section, in which the offender  
5       falsely poses as a landlord or agent or employee of the  
6       landlord and obtains a rent payment or a security deposit  
7       from a tenant is a Class X felony if the rent payment or  
8       security deposit obtained exceeds \$100,000.

9       (c) When a charge of theft of property exceeding a  
10      specified value is brought, the value of the property involved  
11      is an element of the offense to be resolved by the trier of  
12      fact as either exceeding or not exceeding the specified value.

13      (Source: P.A. 93-520, eff. 8-6-03; 94-134, eff. 1-1-06.)