

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:

11 (1) against a person 60 years of age or older or a
12 disabled person as defined in Section 16-1.3 of this Code;
13 or

14 (2) in furtherance of the activities of an organized
15 gang.

16 For purposes of this Section, "organized gang" has the
17 meaning ascribed to that term in Section 10 of the Illinois
18 Streetgang Terrorism Omnibus Prevention Act.

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

22 (c) When a charge of aggravated identity theft of credit,
23 money, goods, services, or other property exceeding a specified

1 value is brought the value of the credit, money, goods,
2 services, or other property is an element of the offense to be
3 resolved by the trier of fact as either exceeding or not
4 exceeding the specified value.

5 (d) A defense to aggravated identity theft under paragraph
6 (a)(1) does not exist merely because the accused reasonably
7 believed the victim to be a person less than 60 years of age.

8 (e) Sentence.

9 (1) Aggravated identity theft of credit, money, goods,
10 services, or other property not exceeding \$300 in value is
11 a Class 3 felony.

12 (2) Aggravated identity theft of credit, money, goods,
13 services, or other property exceeding \$300 and not
14 exceeding \$10,000 in value is a Class 2 felony.

15 (3) Aggravated identity theft of credit, money, goods,
16 services, or other property exceeding \$10,000 in value and
17 not exceeding \$100,000 in value is a Class 1 felony.

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

21 (4.5) A person convicted of aggravated identity theft
22 for a violation of any offense enumerated in paragraphs (2)
23 through (7) of subsection (a) of Section 16G-15 of this
24 Code is guilty of a Class 2 felony.

25 (5) A person who has been previously convicted of
26 aggravated identity theft regardless of the value of the

1 property involved who is convicted of a second or
2 subsequent offense of aggravated identity theft regardless
3 of the value of the property involved is guilty of a Class
4 X felony.

5 (Source: P.A. 94-39, eff. 6-16-05; 95-199, eff. 8-16-07.)