



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5460

Introduced 2/5/2010, by Rep. Elizabeth Coulson

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/16-1.4 new  
720 ILCS 5/33E-16

Amends the Criminal Code of 1961. Creates the offense of theft of public funds. Provides that a person commits the offense when he or she: (1) embezzles, steals, purloins, obtains by fraud, or knowingly converts to his or her use or the use of another, or without authority sells, conveys, or disposes of, any record, voucher, money, or thing of value of the State of Illinois or any department or agency of the State, or of any unit of local government or school district, or any property made or being made under contract for the State of Illinois or any department or agency of the State, or any unit of local government or school district; or (2) receives, conceals, or retains the record, voucher, money, thing of value, or property of the State of Illinois or any department or agency of the State, or of any unit of local government or school district, or any property made or being made under contract for the State of Illinois or any department or agency of the State, or any unit of local government or school district with intent to convert it to his or her use or gain, knowing it to have been embezzled, stolen, purloined, obtained by fraud, or converted. Establishes penalties based on the value of the property unlawfully obtained. Changes the statute concerning misapplication of funds. Includes embezzling, stealing, obtaining by fraud, or otherwise without authority knowingly converting to the use of any person other than the rightful owner or intentionally misapplying, property that is owned by, or is under the care, custody, or control of the State of Illinois or of any agency of the State, a unit of local government, or school district.

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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 33E-16 and by adding Section 16-1.4 as follows:

6 (720 ILCS 5/16-1.4 new)

7 Sec. 16-1.4. Theft of public funds.

8 (a) A person commits theft of public funds when he or she:

9 (1) embezzles, steals, purloins, obtains by fraud, or  
10 knowingly converts to his or her use or the use of another,  
11 or without authority sells, conveys, or disposes of, any  
12 record, voucher, money, or thing of value of the State of  
13 Illinois or any department or agency of the State, or of  
14 any unit of local government or school district, or any  
15 property made or being made under contract for the State of  
16 Illinois or any department or agency of the State, or any  
17 unit of local government or school district; or

18 (2) receives, conceals, or retains the record,  
19 voucher, money, thing of value, or property described in  
20 paragraph (1) with intent to convert it to his or her use  
21 or gain, knowing it to have been embezzled, stolen,  
22 purloined, obtained by fraud, or converted.

23 (b) For the purposes of this Section, "value" means face,

1 par, or market value, or cost price, either wholesale or  
2 retail, whichever is greater.

3 (c) Sentence.

4 (1) Theft of public funds involving property not  
5 exceeding \$300 in value is a Class 4 felony.

6 (2) Theft of public funds involving property exceeding  
7 \$300 and not exceeding \$10,000 in value, is a Class 2  
8 felony.

9 (3) Theft of public funds involving property exceeding  
10 \$10,000 and not exceeding \$100,000 in value is a Class 1  
11 felony.

12 (4) Theft of public funds involving property exceeding  
13 \$100,000 in value is a Class X felony.

14 (720 ILCS 5/33E-16)

15 Sec. 33E-16. Misapplication of funds. Whoever, being an  
16 officer, director, agent, or employee of, or affiliated in any  
17 capacity with the State of Illinois or any agency of the State,  
18 or any unit of local government or school district, embezzles,  
19 steals, obtains by fraud, or otherwise without authority  
20 knowingly converts to the use of any person other than the  
21 rightful owner or intentionally misapplies, property that is  
22 owned by, or is under the care, custody, or control of the  
23 State of Illinois or of any agency of the State, a unit of  
24 local government, or school district ~~, willfully misapplies any~~  
25 ~~of the moneys, funds, or credits of the unit of local~~

1 ~~government or school district~~ is guilty of a Class 3 felony.

2 (Source: P.A. 90-800, eff. 1-1-99.)