

1 AN ACT concerning professional regulation.

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

4 Section 5. The Fire Sprinkler Contractor Licensing Act is  
5 amended by adding Section 32 as follows:

6 (225 ILCS 335/32 new)

7 Sec. 32. Application for building permit; identity theft. A  
8 person who knowingly, in the course of applying for a building  
9 permit with a unit of local government, provides the license  
10 number of a fire sprinkler contractor whom he or she does not  
11 intend to have perform the work on the fire sprinkler portion  
12 of the project commits identity theft under paragraph (8) of  
13 subsection (a) of Section 16G-15 of the Criminal Code of 1961.

14 Section 10. The Criminal Code of 1961 is amended by  
15 changing Section 16G-15 as follows:

16 (720 ILCS 5/16G-15)

17 Sec. 16G-15. Identity theft.

18 (a) A person commits the offense of identity theft when he  
19 or she knowingly:

20 (1) uses any personal identifying information or  
21 personal identification document of another person to

1 fraudulently obtain credit, money, goods, services, or  
2 other property, or

3 (2) uses any personal identification information or  
4 personal identification document of another with intent to  
5 commit any felony theft or other felony violation of State  
6 law not set forth in paragraph (1) of this subsection (a),  
7 or

8 (3) obtains, records, possesses, sells, transfers,  
9 purchases, or manufactures any personal identification  
10 information or personal identification document of another  
11 with intent to commit or to aid or abet another in  
12 committing any felony theft or other felony violation of  
13 State law, or

14 (4) uses, obtains, records, possesses, sells,  
15 transfers, purchases, or manufactures any personal  
16 identification information or personal identification  
17 document of another knowing that such personal  
18 identification information or personal identification  
19 documents were stolen or produced without lawful  
20 authority, or

21 (5) uses, transfers, or possesses document-making  
22 implements to produce false identification or false  
23 documents with knowledge that they will be used by the  
24 person or another to commit any felony theft or other  
25 felony violation of State law, or

26 (6) uses any personal identification information or

1 personal identification document of another to portray  
2 himself or herself as that person, or otherwise, for the  
3 purpose of gaining access to any personal identification  
4 information or personal identification document of that  
5 person, without the prior express permission of that  
6 person, or

7 (7) uses any personal identification information or  
8 personal identification document of another for the  
9 purpose of gaining access to any record of the actions  
10 taken, communications made or received, or other  
11 activities or transactions of that person, without the  
12 prior express permission of that person, or -

13 (8) in the course of applying for a building permit  
14 with a unit of local government, provides the license  
15 number of a fire sprinkler contractor whom he or she does  
16 not intend to have perform the work on the fire sprinkler  
17 portion of the project. It is an affirmative defense to  
18 prosecution under this paragraph (8) that the building  
19 permit applicant promptly informed the unit of local  
20 government that issued the building permit of any change in  
21 the fire sprinkler contractor.

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

25 (c) When a charge of identity theft of credit, money,  
26 goods, services, or other property exceeding a specified value

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

5 (d) Sentence.

6 (1) A person convicted of identity theft in violation  
7 of paragraph (1) of subsection (a) shall be sentenced as  
8 follows:

9 (A) Identity theft of credit, money, goods,  
10 services, or other property not exceeding \$300 in value  
11 is a Class 4 felony. A person who has been previously  
12 convicted of identity theft of less than \$300 who is  
13 convicted of a second or subsequent offense of identity  
14 theft of less than \$300 is guilty of a Class 3 felony.  
15 A person who has been convicted of identity theft of  
16 less than \$300 who has been previously convicted of any  
17 type of theft, robbery, armed robbery, burglary,  
18 residential burglary, possession of burglary tools,  
19 home invasion, home repair fraud, aggravated home  
20 repair fraud, or financial exploitation of an elderly  
21 or disabled person is guilty of a Class 3 felony.  
22 Identity theft of credit, money, goods, services, or  
23 other property not exceeding \$300 in value when the  
24 victim of the identity theft is an active duty member  
25 of the Armed Services or Reserve Forces of the United  
26 States or of the Illinois National Guard serving in a

1 foreign country is a Class 3 felony. A person who has  
2 been previously convicted of identity theft of less  
3 than \$300 who is convicted of a second or subsequent  
4 offense of identity theft of less than \$300 when the  
5 victim of the identity theft is an active duty member  
6 of the Armed Services or Reserve Forces of the United  
7 States or of the Illinois National Guard serving in a  
8 foreign country is guilty of a Class 2 felony. A person  
9 who has been convicted of identity theft of less than  
10 \$300 when the victim of the identity theft is an active  
11 duty member of the Armed Services or Reserve Forces of  
12 the United States or of the Illinois National Guard  
13 serving in a foreign country who has been previously  
14 convicted of any type of theft, robbery, armed robbery,  
15 burglary, residential burglary, possession of burglary  
16 tools, home invasion, home repair fraud, aggravated  
17 home repair fraud, or financial exploitation of an  
18 elderly or disabled person is guilty of a Class 2  
19 felony. When a person has any such prior conviction,  
20 the information or indictment charging that person  
21 shall state the prior conviction so as to give notice  
22 of the State's intention to treat the charge as a Class  
23 3 felony. The fact of the prior conviction is not an  
24 element of the offense and may not be disclosed to the  
25 jury during trial unless otherwise permitted by issues  
26 properly raised during the trial.

1           (B) Identity theft of credit, money, goods,  
2           services, or other property exceeding \$300 and not  
3           exceeding \$2,000 in value is a Class 3 felony. Identity  
4           theft of credit, money, goods, services, or other  
5           property exceeding \$300 and not exceeding \$2,000 in  
6           value when the victim of the identity theft is an  
7           active duty member of the Armed Services or Reserve  
8           Forces of the United States or of the Illinois National  
9           Guard serving in a foreign country is a Class 2 felony.

10           (C) Identity theft of credit, money, goods,  
11           services, or other property exceeding \$2,000 and not  
12           exceeding \$10,000 in value is a Class 2 felony.  
13           Identity theft of credit, money, goods, services, or  
14           other property exceeding \$2,000 and not exceeding  
15           \$10,000 in value when the victim of the identity theft  
16           is an active duty member of the Armed Services or  
17           Reserve Forces of the United States or of the Illinois  
18           National Guard serving in a foreign country is a Class  
19           1 felony.

20           (D) Identity theft of credit, money, goods,  
21           services, or other property exceeding \$10,000 and not  
22           exceeding \$100,000 in value is a Class 1 felony.  
23           Identity theft of credit, money, goods, services, or  
24           other property exceeding \$10,000 and not exceeding  
25           \$100,000 in value when the victim of the identity theft  
26           is an active duty member of the Armed Services or

1 Reserve Forces of the United States or of the Illinois  
2 National Guard serving in a foreign country is a Class  
3 X felony.

4 (E) Identity theft of credit, money, goods,  
5 services, or other property exceeding \$100,000 in  
6 value is a Class X felony.

7 (2) A person convicted of any offense enumerated in  
8 paragraphs (2) through (7) of subsection (a) is guilty of a  
9 Class 3 felony. A person convicted of any offense  
10 enumerated in paragraphs (2) through (7) of subsection (a)  
11 when the victim of the identity theft is an active duty  
12 member of the Armed Services or Reserve Forces of the  
13 United States or of the Illinois National Guard serving in  
14 a foreign country is guilty of a Class 2 felony.

15 (3) A person convicted of any offense enumerated in  
16 paragraphs (2) through (5) of subsection (a) a second or  
17 subsequent time is guilty of a Class 2 felony. A person  
18 convicted of any offense enumerated in paragraphs (2)  
19 through (5) of subsection (a) a second or subsequent time  
20 when the victim of the identity theft is an active duty  
21 member of the Armed Services or Reserve Forces of the  
22 United States or of the Illinois National Guard serving in  
23 a foreign country is guilty of a Class 1 felony.

24 (4) A person who, within a 12 month period, is found in  
25 violation of any offense enumerated in paragraphs (2)  
26 through (7) of subsection (a) with respect to the

1 identifiers of, or other information relating to, 3 or more  
2 separate individuals, at the same time or consecutively, is  
3 guilty of a Class 2 felony. A person who, within a 12 month  
4 period, is found in violation of any offense enumerated in  
5 paragraphs (2) through (7) of subsection (a) with respect  
6 to the identifiers of, or other information relating to, 3  
7 or more separate individuals, at the same time or  
8 consecutively, when the victim of the identity theft is an  
9 active duty member of the Armed Services or Reserve Forces  
10 of the United States or of the Illinois National Guard  
11 serving in a foreign country is guilty of a Class 1 felony.

12 (5) A person convicted of identity theft in violation  
13 of paragraph (2) of subsection (a) who uses any personal  
14 identification information or personal identification  
15 document of another to purchase methamphetamine  
16 manufacturing material as defined in Section 10 of the  
17 Methamphetamine Control and Community Protection Act with  
18 the intent to unlawfully manufacture methamphetamine is  
19 guilty of a Class 2 felony for a first offense and a Class  
20 1 felony for a second or subsequent offense. A person  
21 convicted of identity theft in violation of paragraph (2)  
22 of subsection (a) who uses any personal identification  
23 information or personal identification document of another  
24 to purchase methamphetamine manufacturing material as  
25 defined in Section 10 of the Methamphetamine Control and  
26 Community Protection Act with the intent to unlawfully



1 manufacture methamphetamine when the victim of the  
2 identity theft is an active duty member of the Armed  
3 Services or Reserve Forces of the United States or of the  
4 Illinois National Guard serving in a foreign country is  
5 guilty of a Class 1 felony for a first offense and a Class  
6 X felony for a second or subsequent offense.

7 (6) A person convicted of identity theft in violation  
8 of paragraph (8) of subsection (a) of this Section shall be  
9 guilty of a Class 4 felony.

10 (Source: P.A. 94-39, eff. 6-16-05; 94-827, eff. 1-1-07;  
11 94-1008, eff. 7-5-06; 95-60, eff. 1-1-08; 95-331, eff.  
12 8-21-07.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.