



Filed: 3/10/2010

09600HB5513ham001

LRB096 17759 ASK 37380 a

1 AMENDMENT TO HOUSE BILL 5513

2 AMENDMENT NO. _____. Amend House Bill 5513 by replacing
3 everything after the enacting clause with the following:

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:

1 (720 ILCS 5/16G-15)

2 Sec. 16G-15. Identity theft.

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

5 (1) uses any personal identifying information or
6 personal identification document of another person to
7 fraudulently obtain credit, money, goods, services, or
8 other property, or

9 (2) uses any personal identification information or
10 personal identification document of another with intent to
11 commit any felony theft or other felony violation of State
12 law not set forth in paragraph (1) of this subsection (a),
13 or

14 (3) obtains, records, possesses, sells, transfers,
15 purchases, or manufactures any personal identification
16 information or personal identification document of another
17 with intent to commit or to aid or abet another in
18 committing any felony theft or other felony violation of
19 State law, or

20 (4) uses, obtains, records, possesses, sells,
21 transfers, purchases, or manufactures any personal
22 identification information or personal identification
23 document of another knowing that such personal
24 identification information or personal identification
25 documents were stolen or produced without lawful

1 authority, or

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

7 (6) uses any personal identification information or
8 personal identification document of another to portray
9 himself or herself as that person, or otherwise, for the
10 purpose of gaining access to any personal identification
11 information or personal identification document of that
12 person, without the prior express permission of that
13 person, or

14 (7) uses any personal identification information or
15 personal identification document of another for the
16 purpose of gaining access to any record of the actions
17 taken, communications made or received, or other
18 activities or transactions of that person, without the
19 prior express permission of that person, or -

20 (8) in the course of applying for a building permit
21 with a unit of local government, provides the license
22 number of a fire sprinkler contractor whom he or she does
23 not intend to have perform the work on the fire sprinkler
24 portion of the project. It is an affirmative defense to
25 prosecution under this paragraph (8) that the building
26 permit applicant promptly informed the unit of local

1 government that issued the building permit of any change in
2 the fire sprinkler contractor.

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

6 (c) When a charge of identity theft of credit, money,
7 goods, services, or other property exceeding a specified value
8 is brought the value of the credit, money, goods, services, or
9 other property is an element of the offense to be resolved by
10 the trier of fact as either exceeding or not exceeding the
11 specified value.

12 (d) Sentence.

13 (1) A person convicted of identity theft in violation
14 of paragraph (1) of subsection (a) shall be sentenced as
15 follows:

16 (A) Identity theft of credit, money, goods,
17 services, or other property not exceeding \$300 in value
18 is a Class 4 felony. A person who has been previously
19 convicted of identity theft of less than \$300 who is
20 convicted of a second or subsequent offense of identity
21 theft of less than \$300 is guilty of a Class 3 felony.
22 A person who has been convicted of identity theft of
23 less than \$300 who has been previously convicted of any
24 type of theft, robbery, armed robbery, burglary,
25 residential burglary, possession of burglary tools,
26 home invasion, home repair fraud, aggravated home

1 repair fraud, or financial exploitation of an elderly
2 or disabled person is guilty of a Class 3 felony.
3 Identity theft of credit, money, goods, services, or
4 other property not exceeding \$300 in value 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 a Class 3 felony. A person who has
9 been previously convicted of identity theft of less
10 than \$300 who is convicted of a second or subsequent
11 offense of identity theft of less than \$300 when the
12 victim of the identity theft is an active duty member
13 of the Armed Services or Reserve Forces of the United
14 States or of the Illinois National Guard serving in a
15 foreign country is guilty of a Class 2 felony. A person
16 who has been convicted of identity theft of less than
17 \$300 when the victim of the identity theft is an active
18 duty member of the Armed Services or Reserve Forces of
19 the United States or of the Illinois National Guard
20 serving in a foreign country who has been previously
21 convicted of any type of theft, robbery, armed robbery,
22 burglary, residential burglary, possession of burglary
23 tools, home invasion, home repair fraud, aggravated
24 home repair fraud, or financial exploitation of an
25 elderly or disabled person is guilty of a Class 2
26 felony. When a person has any such prior conviction,

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

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

17 (C) Identity theft of credit, money, goods,
18 services, or other property exceeding \$2,000 and not
19 exceeding \$10,000 in value is a Class 2 felony.
20 Identity theft of credit, money, goods, services, or
21 other property exceeding \$2,000 and not exceeding
22 \$10,000 in value when the victim of the identity theft
23 is an active duty member of the Armed Services or
24 Reserve Forces of the United States or of the Illinois
25 National Guard serving in a foreign country is a Class
26 1 felony.

1 (D) Identity theft of credit, money, goods,
2 services, or other property exceeding \$10,000 and not
3 exceeding \$100,000 in value is a Class 1 felony.
4 Identity theft of credit, money, goods, services, or
5 other property exceeding \$10,000 and not exceeding
6 \$100,000 in value when the victim of the identity theft
7 is an active duty member of the Armed Services or
8 Reserve Forces of the United States or of the Illinois
9 National Guard serving in a foreign country is a Class
10 X felony.

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

14 (2) A person convicted of any offense enumerated in
15 paragraphs (2) through (7) of subsection (a) is guilty of a
16 Class 3 felony. A person convicted of any offense
17 enumerated in paragraphs (2) through (7) of subsection (a)
18 when the victim of the identity theft is an active duty
19 member of the Armed Services or Reserve Forces of the
20 United States or of the Illinois National Guard serving in
21 a foreign country is guilty of a Class 2 felony.

22 (3) A person convicted of any offense enumerated in
23 paragraphs (2) through (5) of subsection (a) a second or
24 subsequent time is guilty of a Class 2 felony. A person
25 convicted of any offense enumerated in paragraphs (2)
26 through (5) of subsection (a) a second or subsequent time

1 when the victim of the identity theft is an active duty
2 member of the Armed Services or Reserve Forces of the
3 United States or of the Illinois National Guard serving in
4 a foreign country is guilty of a Class 1 felony.

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

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

1 1 felony for a second or subsequent offense. A person
2 convicted of identity theft in violation of paragraph (2)
3 of subsection (a) who uses any personal identification
4 information or personal identification document of another
5 to purchase methamphetamine manufacturing material as
6 defined in Section 10 of the Methamphetamine Control and
7 Community Protection Act with the intent to unlawfully
8 manufacture methamphetamine when the victim of the
9 identity theft is an active duty member of the Armed
10 Services or Reserve Forces of the United States or of the
11 Illinois National Guard serving in a foreign country is
12 guilty of a Class 1 felony for a first offense and a Class
13 X felony for a second or subsequent offense.

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

17 (Source: P.A. 94-39, eff. 6-16-05; 94-827, eff. 1-1-07;
18 94-1008, eff. 7-5-06; 95-60, eff. 1-1-08; 95-331, eff.
19 8-21-07.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."