

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 Sections 16-1 and 16H-60 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 and not  
4 exceeding \$1,000,000 in value is a Class 1  
5 non-probationable felony.

6 (6.3) Theft of property exceeding \$1,000,000 in value  
7 is a Class X felony.

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

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

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

17 (720 ILCS 5/16H-60)

18 Sec. 16H-60. Sentence.

19 (a) A financial crime, the full value of which does not  
20 exceed \$300, is a Class A misdemeanor.

21 (b) A person who has been convicted of a financial crime,  
22 the full value of which does not exceed \$300, and who has been  
23 previously convicted of a financial crime or any type of theft,  
24 robbery, armed robbery, burglary, residential burglary,  
25 possession of burglary tools, or home invasion, is guilty of a

1 Class 4 felony. When a person has such prior conviction, the  
2 information or indictment charging that person shall state such  
3 prior conviction so as to give notice of the State's intention  
4 to 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 permitted  
7 by issues properly raised during such trial.

8 (c) A financial crime, the full value of which exceeds \$300  
9 but does not exceed \$10,000, is a Class 3 felony. When a charge  
10 of financial crime, the full value of which exceeds \$300 but  
11 does not exceed \$10,000, is brought, the value of the financial  
12 crime involved is an element of the offense to be resolved by  
13 the trier of fact as either exceeding or not exceeding \$300.

14 (d) A financial crime, the full value of which exceeds  
15 \$10,000 but does not exceed \$100,000, is a Class 2 felony. When  
16 a charge of financial crime, the full value of which exceeds  
17 \$10,000 but does not exceed \$100,000, is brought, the value of  
18 the financial crime involved is an element of the offense to be  
19 resolved by the trier of fact as either exceeding or not  
20 exceeding \$10,000.

21 (e) A financial crime, the full value of which exceeds  
22 \$100,000, is a Class 1 felony. When a charge of financial  
23 crime, the full value of which exceeds \$100,000, is brought,  
24 the value of the financial crime involved is an element of the  
25 offense to be resolved by the trier of fact as either exceeding  
26 or not exceeding \$100,000.

1 (f) A financial crime which is a financial institution  
2 robbery is a Class 1 felony.

3 (g) A financial crime which is a continuing financial  
4 crimes enterprise is a Class 1 felony.

5 (h) A financial crime which is the offense of being an  
6 organizer of a continuing financial crimes enterprise is a  
7 Class X felony.

8 (i) (Blank). ~~Notwithstanding any other provisions of this~~  
9 ~~Section, a financial crime which is loan fraud in connection~~  
10 ~~with a loan secured by residential real estate is a Class 4~~  
11 ~~felony.~~

12 (Source: P.A. 93-440, eff. 8-5-03.)

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