

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, 16A-2.2, 16A-10, 16H-60, and 16J-25 and by
6 adding Sections 16A-2.14 and 16A-11 as follows:

7 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

8 Sec. 16-1. Theft.

9 (a) A person commits theft when he knowingly:

10 (1) Obtains or exerts unauthorized control over
11 property of the owner; or

12 (2) Obtains by deception control over property of the
13 owner; or

14 (3) Obtains by threat control over property of the
15 owner; or

16 (4) Obtains control over stolen property knowing the
17 property to have been stolen or under such circumstances as
18 would reasonably induce him to believe that the property
19 was stolen; or

20 (5) Obtains or exerts control over property in the
21 custody of any law enforcement agency which is explicitly
22 represented to him by any law enforcement officer or any
23 individual acting in behalf of a law enforcement agency as

1 being stolen, and

2 (A) Intends to deprive the owner permanently of the
3 use or benefit of the property; or

4 (B) Knowingly uses, conceals or abandons the
5 property in such manner as to deprive the owner
6 permanently of such use or benefit; or

7 (C) Uses, conceals, or abandons the property
8 knowing such use, concealment or abandonment probably
9 will deprive the owner permanently of such use or
10 benefit.

11 (b) Sentence.

12 (1) Theft of property not from the person and not
13 exceeding \$500 ~~\$300~~ in value is a Class A misdemeanor.

14 (1.1) Theft of property not from the person and not
15 exceeding \$500 ~~\$300~~ in value is a Class 4 felony if the
16 theft was committed in a school or place of worship or if
17 the theft was of governmental property.

18 (2) A person who has been convicted of theft of
19 property not from the person and not exceeding \$500 ~~\$300~~ in
20 value who has been previously convicted of any type of
21 theft, robbery, armed robbery, burglary, residential
22 burglary, possession of burglary tools, home invasion,
23 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or
24 4-103.3 of the Illinois Vehicle Code relating to the
25 possession of a stolen or converted motor vehicle, or a
26 violation of Section 8 of the Illinois Credit Card and

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

9 (3) (Blank).

10 (4) Theft of property from the person not exceeding
11 \$500 ~~\$300~~ in value, or theft of property exceeding \$500
12 ~~\$300~~ and not exceeding \$10,000 in value, is a Class 3
13 felony.

14 (4.1) Theft of property from the person not exceeding
15 \$500 ~~\$300~~ in value, or theft of property exceeding \$500
16 ~~\$300~~ and not exceeding \$10,000 in value, is a Class 2
17 felony if the theft was committed in a school or place of
18 worship or if the theft was of governmental property.

19 (5) Theft of property exceeding \$10,000 and not
20 exceeding \$100,000 in value is a Class 2 felony.

21 (5.1) Theft of property exceeding \$10,000 and not
22 exceeding \$100,000 in value is a Class 1 felony if the
23 theft was committed in a school or place of worship or if
24 the theft was of governmental property.

25 (6) Theft of property exceeding \$100,000 and not
26 exceeding \$500,000 in value is a Class 1 felony.

1 (6.1) Theft of property exceeding \$100,000 in value is
2 a Class X felony if the theft was committed in a school or
3 place of worship or if the theft was of governmental
4 property.

5 (6.2) Theft of property exceeding \$500,000 and not
6 exceeding \$1,000,000 in value is a Class 1
7 non-probationable felony.

8 (6.3) Theft of property exceeding \$1,000,000 in value
9 is a Class X felony.

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

14 (8) Theft by deception, as described by paragraph (2)
15 of subsection (a) of this Section, in which the offender
16 falsely poses as a landlord or agent or employee of the
17 landlord and obtains a rent payment or a security deposit
18 from a tenant is a Class 3 felony if the rent payment or
19 security deposit obtained does not exceed \$500 ~~\$300~~.

20 (9) Theft by deception, as described by paragraph (2)
21 of subsection (a) of this Section, in which the offender
22 falsely poses as a landlord or agent or employee of the
23 landlord and obtains a rent payment or a security deposit
24 from a tenant is a Class 2 felony if the rent payment or
25 security deposit obtained exceeds \$500 ~~\$300~~ and does not
26 exceed \$10,000.

1 (10) Theft by deception, as described by paragraph (2)
2 of subsection (a) of this Section, in which the offender
3 falsely poses as a landlord or agent or employee of the
4 landlord and obtains a rent payment or a security deposit
5 from a tenant is a Class 1 felony if the rent payment or
6 security deposit obtained exceeds \$10,000 and does not
7 exceed \$100,000.

8 (11) Theft by deception, as described by paragraph (2)
9 of subsection (a) of this Section, in which the offender
10 falsely poses as a landlord or agent or employee of the
11 landlord and obtains a rent payment or a security deposit
12 from a tenant is a Class X felony if the rent payment or
13 security deposit obtained exceeds \$100,000.

14 (c) When a charge of theft of property exceeding a
15 specified value is brought, the value of the property involved
16 is an element of the offense to be resolved by the trier of
17 fact as either exceeding or not exceeding the specified value.
18 (Source: P.A. 96-496, eff. 1-1-10; 96-534, eff. 8-14-09;
19 revised 10-9-09.)

20 (720 ILCS 5/16A-2.2) (from Ch. 38, par. 16A-2.2)

21 Sec. 16A-2.2. "Full retail value ~~Retail Value~~" means the
22 merchant's stated or advertised price of the merchandise. "Full
23 retail value" includes the aggregate value of property obtained
24 from retail thefts committed by the same person as part of a
25 continuing course of conduct from one or more mercantile

1 establishments in a single transaction or in separate
2 transactions over a period of one year.

3 (Source: P.A. 79-840.)

4 (720 ILCS 5/16A-2.14 new)

5 Sec. 16A-2.14. Continuing course of conduct. "Continuing
6 course of conduct" means a series of acts, and the accompanying
7 mental state necessary for the crime in question, irrespective
8 of whether the series of acts are continuous or intermittent.

9 (720 ILCS 5/16A-10) (from Ch. 38, par. 16A-10)

10 Sec. 16A-10. Sentence.

11 (1) Retail theft of property, the full retail value of
12 which does not exceed \$300 ~~\$150~~, is a Class A misdemeanor.
13 Theft by emergency exit of property, the full retail value of
14 which does not exceed \$300 ~~\$150~~, is a Class 4 felony.

15 (2) A person who has been convicted of retail theft of
16 property, the full retail value of which does not exceed \$300
17 ~~\$150~~, and who has been previously convicted of any type of
18 theft, robbery, armed robbery, burglary, residential burglary,
19 possession of burglary tools or home invasion is guilty of a
20 Class 4 felony. A person who has been convicted of theft by
21 emergency exit of property, the full retail value of which does
22 not exceed \$300 ~~\$150~~, and who has been previously convicted of
23 any type of theft, robbery, armed robbery, burglary,
24 residential burglary, possession of burglary tools or home

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

9 (3) Any retail theft of property, the full retail value of
10 which exceeds \$300 in a single transaction, or in separate
11 transactions committed by the same person as part of a
12 continuing course of conduct from one or more mercantile
13 establishments over a period of one year ~~\$150~~, is a Class 3
14 felony. Theft by emergency exit of property, the full retail
15 value of which exceeds \$300 in a single transaction, or in
16 separate transactions committed by the same person as part of a
17 continuing course of conduct from one or more mercantile
18 establishments over a period of one year ~~\$150~~, is a Class 2
19 felony. When a charge of retail theft of property or theft by
20 emergency exit of property, the full value of which exceeds
21 \$300 ~~\$150~~, is brought, the value of the property involved is an
22 element of the offense to be resolved by the trier of fact as
23 either exceeding or not exceeding \$300 ~~\$150~~.

24 (Source: P.A. 94-449, eff. 8-4-05.)

1 Sec. 16A-11. Venue. Multiple thefts committed by the same
2 person as part of a continuing course of conduct in different
3 jurisdictions that have been aggregated in one jurisdiction may
4 be prosecuted in any jurisdiction in which one or more of the
5 thefts occurred.

6 (720 ILCS 5/16H-60)

7 Sec. 16H-60. Sentence.

8 (a) A financial crime, the full value of which does not
9 exceed \$500 ~~\$300~~, is a Class A misdemeanor.

10 (b) A person who has been convicted of a financial crime,
11 the full value of which does not exceed \$500 ~~\$300~~, and who has
12 been previously convicted of a financial crime or any type of
13 theft, robbery, armed robbery, burglary, residential burglary,
14 possession of burglary tools, or home invasion, is guilty of a
15 Class 4 felony. When a person has such prior conviction, the
16 information or indictment charging that person shall state such
17 prior conviction so as to give notice of the State's intention
18 to treat the charge as a felony. The fact of such prior
19 conviction is not an element of the offense and may not be
20 disclosed to the jury during trial unless otherwise permitted
21 by issues properly raised during such trial.

22 (c) A financial crime, the full value of which exceeds \$500
23 ~~\$300~~ but does not exceed \$10,000, is a Class 3 felony. When a
24 charge of financial crime, the full value of which exceeds \$500
25 ~~\$300~~ but does not exceed \$10,000, is brought, the value of the

1 financial crime involved is an element of the offense to be
2 resolved by the trier of fact as either exceeding or not
3 exceeding \$500 ~~\$300~~.

4 (d) A financial crime, the full value of which exceeds
5 \$10,000 but does not exceed \$100,000, is a Class 2 felony. When
6 a charge of financial crime, the full value of which exceeds
7 \$10,000 but does not exceed \$100,000, is brought, the value of
8 the financial crime involved is an element of the offense to be
9 resolved by the trier of fact as either exceeding or not
10 exceeding \$10,000.

11 (e) A financial crime, the full value of which exceeds
12 \$100,000, is a Class 1 felony. When a charge of financial
13 crime, the full value of which exceeds \$100,000, is brought,
14 the value of the financial crime involved is an element of the
15 offense to be resolved by the trier of fact as either exceeding
16 or not exceeding \$100,000.

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

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

21 (h) A financial crime which is the offense of being an
22 organizer of a continuing financial crimes enterprise is a
23 Class X felony.

24 (i) (Blank).

25 (Source: P.A. 96-534, eff. 8-14-09.)

1 (720 ILCS 5/16J-25)

2 Sec. 16J-25. Sentence. A violation of this Article is a
3 Class 4 felony if the full retail value of the stolen property
4 or property obtained by deception does not exceed \$300 ~~\$150~~. A
5 violation of this Article is a Class 2 felony if the full
6 retail value of the stolen property or property obtained by
7 deception exceeds \$300 ~~\$150~~.

8 (Source: P.A. 94-179, eff. 7-12-05; 95-331, eff. 8-21-07.)

9 Section 10. The Telephone Charge Fraud Act is amended by
10 changing Section 1 as follows:

11 (720 ILCS 365/1) (from Ch. 134, par. 15c)

12 Sec. 1. Any individual, corporation, or other person, who,
13 with intent to defraud or to aid and abet another to defraud
14 any individual, corporation, or other person, of the lawful
15 charge, in whole or in part, for any telecommunications
16 service, shall obtain, or attempt to obtain, or aid and abet
17 another to obtain or to attempt to obtain, any
18 telecommunications service:

19 (a) by charging such service to an existing telephone
20 number or credit card number without the authority of the
21 subscriber thereto or the legitimate holder thereof, or,

22 (b) charging such service to a nonexistent, false,
23 fictitious, or counterfeit telephone number or credit card
24 number or to a suspended, terminated, expired, cancelled, or

1 revoked telephone number or credit card number, or,

2 (c) by use of a code, prearranged scheme, or other similar
3 stratagem or device whereby said person, in effect, sends or
4 receives information, or,

5 (d) by installing, rearranging, or tampering with any
6 facilities or equipment, whether physically, inductively,
7 acoustically, electronically, or,

8 (e) by publishing the number or code of an existing,
9 canceled, revoked or nonexistent telephone number, credit
10 number or other credit device or method of numbering or coding
11 which is employed in the issuance of telephone numbers, credit
12 numbers or other credit devices which may be used to avoid the
13 payment of any lawful telephone toll charge, or,

14 (f) by publishing plans, diagrams or methods for the
15 construction, assembly or usage of any device, instrument or
16 gadget which may be used to avoid the payment of any lawful
17 telephone toll charge, or,

18 (g) by any other trick, stratagem, impersonation, false
19 pretense, false representation, false statement, contrivance,
20 device, or means, shall be deemed guilty of a Class A
21 Misdemeanor; provided, however, that (a) a second conviction of
22 an offense under this Section, (b) commission of an offense for
23 remuneration, or (c) an offense involving the defrauding of
24 services in excess of \$500 ~~\$300~~ is a Class 4 felony.

25 As used in this Section "publish" means the communication
26 or dissemination of information to any one or more persons,

1 either orally, in person, or by telephone, radio or television
2 or in writing of any kind, including, without limitation, a
3 letter or memorandum, circular or handbill, newspaper or
4 magazine article or book.

5 (Source: P.A. 88-75.)