

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 2012 is amended by changing
5 Section 16-3 as follows:

6 (720 ILCS 5/16-3) (from Ch. 38, par. 16-3)

7 Sec. 16-3. Theft of labor or services or use of property.

8 (a) A person commits theft when he or she knowingly obtains
9 the temporary use of property, labor or services of another
10 which are available only for hire, by means of threat or
11 deception or knowing that such use is without the consent of
12 the person providing the property, labor or services. For the
13 purposes of this subsection, library material is available for
14 hire.

15 (b) A person commits theft when after (1) renting or
16 leasing a motor vehicle, (2) obtaining a motor vehicle through
17 a "driveaway" service mode of transportation, (3) renting or
18 leasing equipment exceeding \$500 in value including tools,
19 construction or industry equipment, and such items as linens,
20 tableware, tents, tables, chairs and other equipment specially
21 rented for a party or special event, or (4) renting or leasing
22 any other type of personal property exceeding \$500 in value,
23 under an agreement in writing which provides for the return of

1 the vehicle, equipment, or other personal property to a
2 particular place at a particular time, he or she without good
3 cause knowingly fails to return the vehicle, equipment, or
4 other personal property to that place within the time
5 specified, and is thereafter served or sent a written demand
6 mailed to the last known address, made by certified mail return
7 receipt requested, to return the ~~such~~ vehicle, equipment, or
8 other personal property within 3 days from the mailing of the
9 written demand, and who without good cause knowingly fails to
10 return the vehicle, equipment, or any other personal property
11 to any place of business of the lessor within the return ~~such~~
12 period. The trier of fact may infer evidence that the person is
13 without good cause if the person signs the agreement with a
14 name or address other than his or her own.

15 (c) A person commits theft when he or she borrows from a
16 library facility library material which has an aggregate value
17 of \$50 or more pursuant to an agreement with or procedure
18 established by the library facility for the return of such
19 library material, and knowingly without good cause fails to
20 return the library material so borrowed in accordance with such
21 agreement or procedure, and further knowingly without good
22 cause fails to return such library material within 30 days
23 after receiving written notice by certified mail from the
24 library facility demanding the return of such library material.

25 (d) Sentence.

26 A person convicted of theft under subsection (a) is guilty

1 of a Class A misdemeanor, except that the theft of library
2 material where the aggregate value exceeds \$300 is a Class 3
3 felony. A person convicted of theft under subsection (b) of
4 this Section is guilty of a Class 4 felony. A person convicted
5 of theft under subsection (c) is guilty of a petty offense for
6 which the offender may be fined an amount not to exceed \$500
7 and shall be ordered to reimburse the library for postage
8 costs, attorney's fees, and actual replacement costs of the
9 materials not returned, except that theft under subsection (c)
10 where the aggregate value exceeds \$300 is a Class 3 felony. In
11 addition to any other penalty imposed, the court may order a
12 person convicted under this Section to make restitution to the
13 victim of the offense.

14 For the purpose of sentencing on theft of library material,
15 separate transactions totalling more than \$300 within a 90-day
16 period shall constitute a single offense.

17 (Source: P.A. 97-597, eff. 1-1-12.)