



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3180

Introduced 2/19/2016, by Sen. Chris Nybo

SYNOPSIS AS INTRODUCED:

720 ILCS 5/1-6	from Ch. 38, par. 1-6
720 ILCS 5/3-6	from Ch. 38, par. 3-6
720 ILCS 5/16-1	from Ch. 38, par. 16-1
720 ILCS 5/17-56	was 720 ILCS 5/16-1.3

Amends the Criminal Code of 2012. Provides that a person who commits the offense of financial exploitation of an elderly person or a person with a disability may be tried in any one of the following counties in which: (1) any part of the offense occurred; or (2) the victim or one of the victims reside. Provides that a prosecution for the offense of financial exploitation of an elderly person or a person with a disability may be commenced within 7 years of the last act committed in furtherance of the crime (rather than 3 years after commission of the offense). Provides that theft by deception in which the offender obtained money or property valued at \$5,000 or more from a person with a disability is a Class 2 felony.

LRB099 18960 RLC 43349 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 Sections 1-6, 3-6, 16-1, and 17-56 as follows:

6 (720 ILCS 5/1-6) (from Ch. 38, par. 1-6)

7 Sec. 1-6. Place of trial.

8 (a) Generally.

9 Criminal actions shall be tried in the county where the
10 offense was committed, except as otherwise provided by law. The
11 State is not required to prove during trial that the alleged
12 offense occurred in any particular county in this State. When a
13 defendant contests the place of trial under this Section, all
14 proceedings regarding this issue shall be conducted under
15 Section 114-1 of the Code of Criminal Procedure of 1963. All
16 objections of improper place of trial are waived by a defendant
17 unless made before trial.

18 (b) Assailant and Victim in Different Counties.

19 If a person committing an offense upon the person of
20 another is located in one county and his victim is located in
21 another county at the time of the commission of the offense,
22 trial may be had in either of said counties.

23 (c) Death and Cause of Death in Different Places or

1 Undetermined.

2 If cause of death is inflicted in one county and death
3 ensues in another county, the offender may be tried in either
4 county. If neither the county in which the cause of death was
5 inflicted nor the county in which death ensued are known before
6 trial, the offender may be tried in the county where the body
7 was found.

8 (d) Offense Commenced Outside the State.

9 If the commission of an offense commenced outside the State
10 is consummated within this State, the offender shall be tried
11 in the county where the offense is consummated.

12 (e) Offenses Committed in Bordering Navigable Waters.

13 If an offense is committed on any of the navigable waters
14 bordering on this State, the offender may be tried in any
15 county adjacent to such navigable water.

16 (f) Offenses Committed while in Transit.

17 If an offense is committed upon any railroad car, vehicle,
18 watercraft or aircraft passing within this State, and it cannot
19 readily be determined in which county the offense was
20 committed, the offender may be tried in any county through
21 which such railroad car, vehicle, watercraft or aircraft has
22 passed.

23 (g) Theft.

24 A person who commits theft of property may be tried in any
25 county in which he exerted control over such property.

26 (h) Bigamy.

1 A person who commits the offense of bigamy may be tried in
2 any county where the bigamous marriage or bigamous cohabitation
3 has occurred.

4 (i) Kidnaping.

5 A person who commits the offense of kidnaping may be tried
6 in any county in which his victim has traveled or has been
7 confined during the course of the offense.

8 (j) Pandering.

9 A person who commits the offense of pandering as set forth
10 in subdivision (a) (2) (A) or (a) (2) (B) of Section 11-14.3 may be
11 tried in any county in which the prostitution was practiced or
12 in any county in which any act in furtherance of the offense
13 shall have been committed.

14 (k) Treason.

15 A person who commits the offense of treason may be tried in
16 any county.

17 (l) Criminal Defamation.

18 If criminal defamation is spoken, printed or written in one
19 county and is received or circulated in another or other
20 counties, the offender shall be tried in the county where the
21 defamation is spoken, printed or written. If the defamation is
22 spoken, printed or written outside this state, or the offender
23 resides outside this state, the offender may be tried in any
24 county in this state in which the defamation was circulated or
25 received.

26 (m) Inchoate Offenses.

1 A person who commits an inchoate offense may be tried in
2 any county in which any act which is an element of the offense,
3 including the agreement in conspiracy, is committed.

4 (n) Accountability for Conduct of Another.

5 Where a person in one county solicits, aids, abets, agrees,
6 or attempts to aid another in the planning or commission of an
7 offense in another county, he may be tried for the offense in
8 either county.

9 (o) Child Abduction.

10 A person who commits the offense of child abduction may be
11 tried in any county in which his victim has traveled, been
12 detained, concealed or removed to during the course of the
13 offense. Notwithstanding the foregoing, unless for good cause
14 shown, the preferred place of trial shall be the county of the
15 residence of the lawful custodian.

16 (p) A person who commits the offense of narcotics
17 racketeering may be tried in any county where cannabis or a
18 controlled substance which is the basis for the charge of
19 narcotics racketeering was used; acquired; transferred or
20 distributed to, from or through; or any county where any act
21 was performed to further the use; acquisition, transfer or
22 distribution of said cannabis or controlled substance; any
23 money, property, property interest, or any other asset
24 generated by narcotics activities was acquired, used, sold,
25 transferred or distributed to, from or through; or, any
26 enterprise interest obtained as a result of narcotics

1 racketeering was acquired, used, transferred or distributed
2 to, from or through, or where any activity was conducted by the
3 enterprise or any conduct to further the interests of such an
4 enterprise.

5 (q) A person who commits the offense of money laundering
6 may be tried in any county where any part of a financial
7 transaction in criminally derived property took place or in any
8 county where any money or monetary instrument which is the
9 basis for the offense was acquired, used, sold, transferred or
10 distributed to, from or through.

11 (r) A person who commits the offense of cannabis
12 trafficking or controlled substance trafficking may be tried in
13 any county.

14 (s) A person who commits the offense of online sale of
15 stolen property, online theft by deception, or electronic
16 fencing may be tried in any county where any one or more
17 elements of the offense took place, regardless of whether the
18 element of the offense was the result of acts by the accused,
19 the victim or by another person, and regardless of whether the
20 defendant was ever physically present within the boundaries of
21 the county.

22 (t) A person who commits the offense of identity theft or
23 aggravated identity theft may be tried in any one of the
24 following counties in which: (1) the offense occurred; (2) the
25 information used to commit the offense was illegally used; or
26 (3) the victim resides.

1 If a person is charged with more than one violation of
2 identity theft or aggravated identity theft and those
3 violations may be tried in more than one county, any of those
4 counties is a proper venue for all of the violations.

5 (u) A person who commits the offense of financial
6 exploitation of an elderly person or a person with a disability
7 under Section 17-56 of this Code may be tried in any one of the
8 following counties in which: (1) any part of the offense
9 occurred; or (2) the victim or one of the victims reside.

10 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

11 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

12 Sec. 3-6. Extended limitations. The period within which a
13 prosecution must be commenced under the provisions of Section
14 3-5 or other applicable statute is extended under the following
15 conditions:

16 (a) A prosecution for theft involving a breach of a
17 fiduciary obligation to the aggrieved person may be commenced
18 as follows:

19 (1) If the aggrieved person is a minor or a person
20 under legal disability, then during the minority or legal
21 disability or within one year after the termination
22 thereof.

23 (2) In any other instance, within one year after the
24 discovery of the offense by an aggrieved person, or by a
25 person who has legal capacity to represent an aggrieved

1 person or has a legal duty to report the offense, and is
2 not himself or herself a party to the offense; or in the
3 absence of such discovery, within one year after the proper
4 prosecuting officer becomes aware of the offense. However,
5 in no such case is the period of limitation so extended
6 more than 3 years beyond the expiration of the period
7 otherwise applicable.

8 (b) A prosecution for any offense based upon misconduct in
9 office by a public officer or employee may be commenced within
10 one year after discovery of the offense by a person having a
11 legal duty to report such offense, or in the absence of such
12 discovery, within one year after the proper prosecuting officer
13 becomes aware of the offense. However, in no such case is the
14 period of limitation so extended more than 3 years beyond the
15 expiration of the period otherwise applicable.

16 (b-5) When the victim is under 18 years of age at the time
17 of the offense, a prosecution for involuntary servitude,
18 involuntary sexual servitude of a minor, or trafficking in
19 persons and related offenses under Section 10-9 of this Code
20 may be commenced within one year of the victim attaining the
21 age of 18 years. However, in no such case shall the time period
22 for prosecution expire sooner than 3 years after the commission
23 of the offense.

24 (c) (Blank).

25 (d) A prosecution for child pornography, aggravated child
26 pornography, indecent solicitation of a child, soliciting for a

1 juvenile prostitute, juvenile pimping, exploitation of a
2 child, or promoting juvenile prostitution except for keeping a
3 place of juvenile prostitution may be commenced within one year
4 of the victim attaining the age of 18 years. However, in no
5 such case shall the time period for prosecution expire sooner
6 than 3 years after the commission of the offense. When the
7 victim is under 18 years of age, a prosecution for criminal
8 sexual abuse may be commenced within one year of the victim
9 attaining the age of 18 years. However, in no such case shall
10 the time period for prosecution expire sooner than 3 years
11 after the commission of the offense.

12 (e) Except as otherwise provided in subdivision (j), a
13 prosecution for any offense involving sexual conduct or sexual
14 penetration, as defined in Section 11-0.1 of this Code, where
15 the defendant was within a professional or fiduciary
16 relationship or a purported professional or fiduciary
17 relationship with the victim at the time of the commission of
18 the offense may be commenced within one year after the
19 discovery of the offense by the victim.

20 (f) A prosecution for any offense set forth in Section 44
21 of the "Environmental Protection Act", approved June 29, 1970,
22 as amended, may be commenced within 5 years after the discovery
23 of such an offense by a person or agency having the legal duty
24 to report the offense or in the absence of such discovery,
25 within 5 years after the proper prosecuting officer becomes
26 aware of the offense.

1 (f-5) A prosecution for any offense set forth in Section
2 16-30 of this Code may be commenced within 5 years after the
3 discovery of the offense by the victim of that offense.

4 (g) (Blank).

5 (h) (Blank).

6 (i) Except as otherwise provided in subdivision (j), a
7 prosecution for criminal sexual assault, aggravated criminal
8 sexual assault, or aggravated criminal sexual abuse may be
9 commenced within 10 years of the commission of the offense if
10 the victim reported the offense to law enforcement authorities
11 within 3 years after the commission of the offense.

12 Nothing in this subdivision (i) shall be construed to
13 shorten a period within which a prosecution must be commenced
14 under any other provision of this Section.

15 (i-5) A prosecution for armed robbery, home invasion,
16 kidnapping, or aggravated kidnaping may be commenced within 10
17 years of the commission of the offense if it arises out of the
18 same course of conduct and meets the criteria under one of the
19 offenses in subsection (i) of this Section.

20 (j) (1) When the victim is under 18 years of age at the
21 time of the offense, a prosecution for criminal sexual assault,
22 aggravated criminal sexual assault, predatory criminal sexual
23 assault of a child, aggravated criminal sexual abuse, or felony
24 criminal sexual abuse may be commenced at any time when
25 corroborating physical evidence is available or an individual
26 who is required to report an alleged or suspected commission of

1 any of these offenses under the Abused and Neglected Child
2 Reporting Act fails to do so.

3 (2) In circumstances other than as described in paragraph
4 (1) of this subsection (j), when the victim is under 18 years
5 of age at the time of the offense, a prosecution for criminal
6 sexual assault, aggravated criminal sexual assault, predatory
7 criminal sexual assault of a child, aggravated criminal sexual
8 abuse, or felony criminal sexual abuse, or a prosecution for
9 failure of a person who is required to report an alleged or
10 suspected commission of any of these offenses under the Abused
11 and Neglected Child Reporting Act may be commenced within 20
12 years after the child victim attains 18 years of age.

13 (3) When the victim is under 18 years of age at the time of
14 the offense, a prosecution for misdemeanor criminal sexual
15 abuse may be commenced within 10 years after the child victim
16 attains 18 years of age.

17 (4) Nothing in this subdivision (j) shall be construed to
18 shorten a period within which a prosecution must be commenced
19 under any other provision of this Section.

20 (j-5) A prosecution for armed robbery, home invasion,
21 kidnapping, or aggravated kidnaping may be commenced at any
22 time if it arises out of the same course of conduct and meets
23 the criteria under one of the offenses in subsection (j) of
24 this Section.

25 (k) A prosecution for theft involving real property
26 exceeding \$100,000 in value under Section 16-1, identity theft

1 under subsection (a) of Section 16-30, aggravated identity
2 theft under subsection (b) of Section 16-30, financial
3 exploitation of an elderly person or a person with a disability
4 under Section 17-56, or any offense set forth in Article 16H or
5 Section 17-10.6 may be commenced within 7 years of the last act
6 committed in furtherance of the crime.

7 (1) A prosecution for any offense set forth in Section 26-4
8 of this Code may be commenced within one year after the
9 discovery of the offense by the victim of that offense.

10 (Source: P.A. 98-293, eff. 1-1-14; 98-379, eff. 1-1-14; 98-756,
11 eff. 7-16-14; 99-234, eff. 8-3-15.)

12 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

13 Sec. 16-1. Theft.

14 (a) A person commits theft when he or she knowingly:

15 (1) Obtains or exerts unauthorized control over
16 property of the owner; or

17 (2) Obtains by deception control over property of the
18 owner; or

19 (3) Obtains by threat control over property of the
20 owner; or

21 (4) Obtains control over stolen property knowing the
22 property to have been stolen or under such circumstances as
23 would reasonably induce him or her to believe that the
24 property was stolen; or

25 (5) Obtains or exerts control over property in the

1 custody of any law enforcement agency which any law
2 enforcement officer or any individual acting in behalf of a
3 law enforcement agency explicitly represents to the person
4 as being stolen or represents to the person such
5 circumstances as would reasonably induce the person to
6 believe that the property was stolen, and

7 (A) Intends to deprive the owner permanently of the
8 use or benefit of the property; or

9 (B) Knowingly uses, conceals or abandons the
10 property in such manner as to deprive the owner
11 permanently of such use or benefit; or

12 (C) Uses, conceals, or abandons the property
13 knowing such use, concealment or abandonment probably
14 will deprive the owner permanently of such use or
15 benefit.

16 (b) Sentence.

17 (1) Theft of property not from the person and not
18 exceeding \$500 in value is a Class A misdemeanor.

19 (1.1) Theft of property not from the person and not
20 exceeding \$500 in value is a Class 4 felony if the theft
21 was committed in a school or place of worship or if the
22 theft was of governmental property.

23 (2) A person who has been convicted of theft of
24 property not from the person and not exceeding \$500 in
25 value who has been previously convicted of any type of
26 theft, robbery, armed robbery, burglary, residential

1 burglary, possession of burglary tools, home invasion,
2 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or
3 4-103.3 of the Illinois Vehicle Code relating to the
4 possession of a stolen or converted motor vehicle, or a
5 violation of Section 17-36 of the Criminal Code of 1961 or
6 the Criminal Code of 2012, or Section 8 of the Illinois
7 Credit Card and Debit Card Act is guilty of a Class 4
8 felony.

9 (3) (Blank).

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

13 (4.1) Theft of property from the person not exceeding
14 \$500 in value, or theft of property exceeding \$500 and not
15 exceeding \$10,000 in value, is a Class 2 felony if the
16 theft was committed in a school or place of worship or if
17 the theft was of governmental property.

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

20 (5.1) Theft of property exceeding \$10,000 and not
21 exceeding \$100,000 in value is a Class 1 felony if the
22 theft was committed in a school or place of worship or if
23 the theft was of governmental property.

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

26 (6.1) Theft of property exceeding \$100,000 in value is

1 a Class X felony if the theft was committed in a school or
2 place of worship or if the theft was of governmental
3 property.

4 (6.2) Theft of property exceeding \$500,000 and not
5 exceeding \$1,000,000 in value is a Class 1
6 non-probationable felony.

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

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

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 and does not exceed
26 \$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 (d) Theft by lessee; permissive inference. The trier of
19 fact may infer evidence that a person intends to deprive the
20 owner permanently of the use or benefit of the property (1) if
21 a lessee of the personal property of another fails to return it
22 to the owner within 10 days after written demand from the owner
23 for its return or (2) if a lessee of the personal property of
24 another fails to return it to the owner within 24 hours after
25 written demand from the owner for its return and the lessee had
26 presented identification to the owner that contained a

1 materially fictitious name, address, or telephone number. A
2 notice in writing, given after the expiration of the leasing
3 agreement, addressed and mailed, by registered mail, to the
4 lessee at the address given by him and shown on the leasing
5 agreement shall constitute proper demand.

6 (e) Permissive inference; evidence of intent that a person
7 obtains by deception control over property. The trier of fact
8 may infer that a person "knowingly obtains by deception control
9 over property of the owner" when he or she fails to return,
10 within 45 days after written demand from the owner, the
11 downpayment and any additional payments accepted under a
12 promise, oral or in writing, to perform services for the owner
13 for consideration of \$3,000 or more, and the promisor knowingly
14 without good cause failed to substantially perform pursuant to
15 the agreement after taking a down payment of 10% or more of the
16 agreed upon consideration. This provision shall not apply where
17 the owner initiated the suspension of performance under the
18 agreement, or where the promisor responds to the notice within
19 the 45-day notice period. A notice in writing, addressed and
20 mailed, by registered mail, to the promisor at the last known
21 address of the promisor, shall constitute proper demand.

22 (f) Offender's interest in the property.

23 (1) It is no defense to a charge of theft of property
24 that the offender has an interest therein, when the owner
25 also has an interest to which the offender is not entitled.

26 (2) Where the property involved is that of the

1 offender's spouse, no prosecution for theft may be
2 maintained unless the parties were not living together as
3 man and wife and were living in separate abodes at the time
4 of the alleged theft.

5 (Source: P.A. 96-496, eff. 1-1-10; 96-534, eff. 8-14-09;
6 96-1000, eff. 7-2-10; 96-1301, eff. 1-1-11; 96-1532, eff.
7 1-1-12; 96-1551, eff. 7-1-11; 97-597, eff. 1-1-12; 97-1150,
8 eff. 1-25-13.)

9 (720 ILCS 5/17-56) (was 720 ILCS 5/16-1.3)

10 Sec. 17-56. Financial exploitation of an elderly person or
11 a person with a disability.

12 (a) A person commits financial exploitation of an elderly
13 person or a person with a disability when he or she stands in a
14 position of trust or confidence with the elderly person or a
15 person with a disability and he or she knowingly:

16 (1) ~~and~~ by deception or intimidation obtains control
17 over the property of an elderly person or a person with a
18 disability; or

19 (2) illegally uses the assets or resources of an
20 elderly person or a person with a disability.

21 (b) Sentence. Financial exploitation of an elderly person
22 or a person with a disability is: (1) a Class 4 felony if the
23 value of the property is \$300 or less, (2) a Class 3 felony if
24 the value of the property is more than \$300 but less than
25 \$5,000, (3) a Class 2 felony if the value of the property is

1 \$5,000 or more but less than \$50,000, and (4) a Class 1 felony
2 if the value of the property is \$50,000 or more or if the
3 elderly person is over 70 years of age and the value of the
4 property is \$15,000 or more or if the elderly person is 80
5 years of age or older and the value of the property is \$5,000
6 or more.

7 (c) For purposes of this Section:

8 (1) "Elderly person" means a person 60 years of age or
9 older.

10 (2) "Person with a disability" means a person who
11 suffers from a physical or mental impairment resulting from
12 disease, injury, functional disorder or congenital
13 condition that impairs the individual's mental or physical
14 ability to independently manage his or her property or
15 financial resources, or both.

16 (3) "Intimidation" means the communication to an
17 elderly person or a person with a disability that he or she
18 shall be deprived of food and nutrition, shelter,
19 prescribed medication or medical care and treatment or
20 conduct as provided in Section 12-6 of this Code.

21 (4) "Deception" means, in addition to its meaning as
22 defined in Section 15-4 of this Code, a misrepresentation
23 or concealment of material fact relating to the terms of a
24 contract or agreement entered into with the elderly person
25 or person with a disability or to the existing or
26 pre-existing condition of any of the property involved in

1 such contract or agreement; or the use or employment of any
2 misrepresentation, false pretense or false promise in
3 order to induce, encourage or solicit the elderly person or
4 person with a disability to enter into a contract or
5 agreement.

6 The illegal use of the assets or resources of an elderly
7 person or a person with a disability includes, but is not
8 limited to, the misappropriation of those assets or resources
9 by undue influence, breach of a fiduciary relationship, fraud,
10 deception, extortion, or use of the assets or resources
11 contrary to law.

12 A person stands in a position of trust and confidence with
13 an elderly person or person with a disability when he (i) is a
14 parent, spouse, adult child or other relative by blood or
15 marriage of the elderly person or person with a disability,
16 (ii) is a joint tenant or tenant in common with the elderly
17 person or person with a disability, (iii) has a legal or
18 fiduciary relationship with the elderly person or person with a
19 disability, (iv) is a financial planning or investment
20 professional, or (v) is a paid or unpaid caregiver for the
21 elderly person or person with a disability.

22 (d) Limitations. Nothing in this Section shall be construed
23 to limit the remedies available to the victim under the
24 Illinois Domestic Violence Act of 1986.

25 (e) Good faith efforts. Nothing in this Section shall be
26 construed to impose criminal liability on a person who has made

1 a good faith effort to assist the elderly person or person with
2 a disability in the management of his or her property, but
3 through no fault of his or her own has been unable to provide
4 such assistance.

5 (f) Not a defense. It shall not be a defense to financial
6 exploitation of an elderly person or person with a disability
7 that the accused reasonably believed that the victim was not an
8 elderly person or person with a disability.

9 (g) Civil Liability. A civil cause of action exists for
10 financial exploitation of an elderly person or a person with a
11 disability as described in subsection (a) of this Section. A
12 person against whom a civil judgment has been entered for
13 financial exploitation of an elderly person or person with a
14 disability shall be liable to the victim or to the estate of
15 the victim in damages of treble the amount of the value of the
16 property obtained, plus reasonable attorney fees and court
17 costs. In a civil action under this subsection, the burden of
18 proof that the defendant committed financial exploitation of an
19 elderly person or a person with a disability as described in
20 subsection (a) of this Section shall be by a preponderance of
21 the evidence. This subsection shall be operative whether or not
22 the defendant has been charged or convicted of the criminal
23 offense as described in subsection (a) of this Section. This
24 subsection (g) shall not limit or affect the right of any
25 person to bring any cause of action or seek any remedy
26 available under the common law, or other applicable law,

1 arising out of the financial exploitation of an elderly person
2 or a person with a disability.

3 (h) If a person is charged with financial exploitation of
4 an elderly person or a person with a disability that involves
5 the taking or loss of property valued at more than \$5,000, a
6 prosecuting attorney may file a petition with the circuit court
7 of the county in which the defendant has been charged to freeze
8 the assets of the defendant in an amount equal to but not
9 greater than the alleged value of lost or stolen property in
10 the defendant's pending criminal proceeding for purposes of
11 restitution to the victim. The burden of proof required to
12 freeze the defendant's assets shall be by a preponderance of
13 the evidence.

14 (Source: P.A. 99-272, eff. 1-1-16.)