

State of Illinois  
OFFICE OF THE GOVERNOR  
Springfield, Illinois 62706

George H. Ryan  
GOVERNOR

August 23, 2001

To the Honorable Members of  
The Illinois Senate  
92nd General Assembly

Pursuant to Article IV, Section 9(b) of the Illinois Constitution of 1970, I hereby veto Senate Bill 1514 entitled "AN ACT in relation to the operation of motor vehicles."

Senate Bill 1514 would amend the Illinois Vehicle Code to create the specific offense of theft of motor fuel as a Class A misdemeanor punishable by a minimum fine of \$250 or 30 hours of community service. The bill provides that a person commits the offense when he or she knowingly operates a vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of the vehicle unless that person or some other person has paid for or charged the price of the dispensed motor fuel. The bill also provides that a second violation shall cause the person's driver's license to be suspended for 6 months and that a third or subsequent violation shall result in a one-year suspension.

I understand that the intent of Senate Bill 1514 is to address the growing problem of drivers leaving gas stations without paying for the gas that they dispensed. However, while this bill would establish Class A misdemeanor Vehicle Code penalties with mandatory minimum for this new offense, current law provides that the theft of retail goods worth less than \$300 is a Class A misdemeanor punishable by up to 364 days jail time and/or a maximum fine of \$2,500 and repeat offenders are subject to a Class 4 felony charge. I do not see a valid public policy reason for setting out mandatory minimum penalties for retail theft based solely upon the type of retail item stolen. In fact, such disproportionate penalties would likely raise constitutional concerns regarding equal protection under the law.

Senate Bill 1514 also would provide that a second or subsequent offense is a misdemeanor, whereas current law provides that a second or subsequent theft or retail theft conviction would be a Class 4 felony. The bill also makes a second offense result in a six-month driver's license suspension and a third and subsequent offense would result in a one-year license suspension. The Illinois Vehicle Code already provides for a minimum one-year driver's license revocation for any driver convicted of a felony if a motor vehicle is used during the commission of the offense. Accordingly, current law would provide for more severe criminal penalties and driver's license sanctions for repeat offenders than would be provided with enactment of this bill. I do not support reducing these sanctions.

For these reasons, I hereby veto and return Senate Bill 1514.

Sincerely,  
George H. Ryan  
GOVERNOR