92_SB2271sam001

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LRB9215837RCcdam

2 AMENDMENT NO. ____. Amend Senate Bill 2271 as follows: 3 by replacing everything after the enacting clause with the 4 following:

AMENDMENT TO SENATE BILL 2271

5 "Section 5. The Criminal Code of 1961 is amended by
6 changing Section 16G-15 as follows:

7 (720 ILCS 5/16G-15)

8 Sec. 16G-15. Financial identity theft.

9 (a) A person commits the offense of financial identity 10 theft when he or she knowingly uses any personal identifying 11 information or personal identification document of another 12 person to fraudulently obtain credit, money, goods, services, 13 or other property in-the-name-of-the-other-person.

14 (b) Knowledge shall be determined by an evaluation of 15 all circumstances surrounding the use of the other person's 16 identifying information or document.

(c) When a charge of financial identity theft of credit, money, goods, services, or other property exceeding a specified value is brought the value of the credit, money, goods, services, or other property is an element of the offense to be resolved by the trier of fact as either 1 exceeding or not exceeding the specified value.

(d) Sentence.

2

(1) Financial identity theft of credit, money, 3 4 goods, services, or other property not exceeding \$300 in value is a Class A misdemeanor. A person who has been 5 previously convicted of financial identity theft of less 6 7 than \$300 who is convicted of a second or subsequent offense of financial identity theft of less than \$300 is 8 9 guilty of a Class 4 felony. A person who has been convicted of financial identity theft of less than \$300 10 11 who has been previously convicted of any type of theft, 12 robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, home repair 13 aggravated home repair fraud, or financial 14 fraud, 15 exploitation of an elderly or disabled person is guilty 16 of a Class 4 felony. When a person has any such prior conviction, the information or indictment charging that 17 person shall state the prior conviction so as to give 18 19 notice of the State's intention to treat the charge as a felony. The fact of the prior conviction is not an 20 21 element of the offense and may not be disclosed to the 22 jury during trial unless otherwise permitted by issues 23 properly raised during the trial.

(2) Financial identity theft of credit, money,
goods, services, or other property exceeding \$300 and not
exceeding \$2,000 in value is a Class 4 felony.

27 (3) Financial identity theft of credit, money,
28 goods, services, or other property exceeding \$2,000 and
29 not exceeding \$10,000 in value is a Class 3 felony.

30 (4) Financial identity theft of credit, money,
31 goods, services, or other property exceeding \$10,000 and
32 not exceeding \$100,000 in value is a Class 2 felony.

33 (5) Financial identity theft of credit, money,
 34 goods, services, or other property exceeding \$100,000 in

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value is a Class 1 felony. 1

2 (Source: P.A. 91-517, eff. 8-13-99.)

Section 99. Effective date. This Act takes effect upon 3 4 becoming law.".