

AN ACT concerning criminal law.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 5. The Criminal Code of 1961 is amended by changing Section 16A-10 and by adding Section 16A-3.5 as follows:

(720 ILCS 5/16A-3.5 new)

Sec. 16A-3.5. Theft by emergency exit. A person commits the offense of theft by emergency exit when he or she commits a retail theft as defined in Section 16A-3 and to facilitate the theft he or she leaves the retail mercantile establishment by use of a designated emergency exit.

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

Sec. 16A-10. Sentence. (1) Retail theft of property, the full retail value of which does not exceed \$150, is a Class A misdemeanor. Theft by emergency exit of property, the full retail value of which does not exceed \$150, is a Class 4 felony.

(2) A person who has been convicted of retail theft of property, the full retail value of which does not exceed \$150, and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools or home invasion is guilty of a Class 4 felony. A person who has been convicted of theft by emergency exit of property, the full retail value of which does not exceed \$150, and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools or home invasion is guilty of a Class 3 felony. When a person has any such prior conviction, the information or indictment charging that person shall state such prior conviction so as to give notice of the State's intention to treat the charge of retail theft as a

felony. The fact of such prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.

(3) Any retail theft of property, the full retail value of which exceeds \$150, is a Class 3 felony. Theft by emergency exit of property, the full retail value of which exceeds \$150, is a Class 2 felony. When a charge of retail theft of property or theft by emergency exit of property, the full value of which exceeds \$150, is brought, the value of the property involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$150.

(Source: P.A. 85-691.)

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