

AN ACT concerning motor fuel theft.

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

Section 5. The Illinois Vehicle Code is amended by adding Section 6-205.2 as follows:

(625 ILCS 5/6-205.2 new)

Sec. 6-205.2. Suspension of driver's license of person convicted of theft of motor fuel. The driver's license of a person convicted of theft of motor fuel under Section 16J-15 of the Criminal Code of 1961 shall be suspended by the Secretary for a period not to exceed 6 months for a first offense. Upon a second or subsequent conviction for theft of motor fuel, the suspension shall be for a period not to exceed one year. Upon conviction of a person for theft of motor fuel, the court shall order the person to surrender his or her driver's license to the clerk of the court who shall forward the suspended license to the Secretary.

Section 10. The Criminal Code of 1961 is amended by adding Article 16J as follows:

(720 ILCS 5/Art. 16J heading new)

ARTICLE 16J. THEFT OF MOTOR FUEL

(720 ILCS 5/16J-5 new)

Sec. 16J-5. Legislative declaration. It is the public policy of this State that the substantial burden placed upon the economy of this State resulting from the rising incidence of theft of motor fuel is a matter of grave concern to the people of this State who have a right to be protected in their health, safety and welfare from the effects of this crime.

(720 ILCS 5/16J-10 new)

Sec. 16J-10. Definitions. For the purposes of this Article:

"Motor fuel" means a liquid, regardless of its properties, used to propel a vehicle, including gasoline and diesel.

"Retailer" means a person, business, or establishment that sells motor fuel at retail.

"Vehicle" means a motor vehicle, motorcycle, or farm implement that is self-propelled and that uses motor fuel for propulsion.

(720 ILCS 5/16J-15 new)

Sec. 16J-15. Offense of theft of motor fuel. A person commits the offense of theft of motor fuel when he or she knowingly dispenses motor fuel into a storage container or the fuel tank of a motor vehicle at an establishment in which motor fuel is offered for retail sale and leaves the premises of the establishment without making payment or the authorized charge for the motor fuel with the intention of depriving the establishment in which the motor fuel is offered for retail sale of the possession, use, or benefit of that motor fuel without paying the full retail value of the motor fuel.

(720 ILCS 5/16J-25 new)

Sec. 16J-25. Civil liability. A person who commits the offense of theft of motor fuel as described in Section 16J-15 is civilly liable to the retailer as prescribed in Section 16A-7.

(720 ILCS 5/16J-30 new)

Sec. 16J-30. Sentence.

(a) Theft of motor fuel, the full retail value of which does not exceed \$150, is a Class A misdemeanor.

(b) A person who has been convicted of theft of motor fuel, 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. 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 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.

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

(720 ILCS 5/16J-35 new)

Sec. 16J-35. Continuation of prior law. The provisions of this Article insofar as they are the same or substantially the same as those of Article 16 of this Code shall be construed as a continuation of that Article 16 and not as a new enactment.

(720 ILCS 5/16J-40 new)

Sec. 16J-40. Severability. The provisions of this Article are severable under Section 1.31 of the Statute on Statutes.