

1 AMENDMENT TO HOUSE BILL 571

2 AMENDMENT NO. _____. Amend House Bill 571 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Section 16-1 as follows:

6 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)
7 Sec. 16-1. Theft.

8 (a) A person commits theft when he knowingly:

9 (1) Obtains or exerts unauthorized control over
10 property of the owner; or

11 (2) Obtains by deception control over property of
12 the owner; or

13 (3) Obtains by threat control over property of the
14 owner; or

15 (4) Obtains control over stolen property knowing
16 the property to have been stolen or under such
17 circumstances as would reasonably induce him to believe
18 that the property was stolen; or

19 (5) Obtains or exerts control over property in the
20 custody of any law enforcement agency which is explicitly
21 represented to him by any law enforcement officer or any
22 individual acting in behalf of a law enforcement agency

1 as being stolen, and

2 (A) Intends to deprive the owner permanently
3 of the use or benefit of the property; or

4 (B) Knowingly uses, conceals or abandons the
5 property in such manner as to deprive the owner
6 permanently of such use or benefit; or

7 (C) Uses, conceals, or abandons the property
8 knowing such use, concealment or abandonment
9 probably will deprive the owner permanently of such
10 use or benefit.

11 (b) Sentence.

12 (1) Theft of property not from the person and not
13 exceeding \$300 in value is a Class A misdemeanor.

14 (1.1) Theft of property not from the person and not
15 exceeding \$300 in value is a Class 4 felony if the theft
16 was committed in a school or place of worship.

17 (2) A person who has been convicted of theft of
18 property not from the person and not exceeding \$300 in
19 value who has been previously convicted of any type of
20 theft, robbery, armed robbery, burglary, residential
21 burglary, possession of burglary tools, home invasion,
22 forgery, a violation of Section 4-103, 4-103.1, 4-103.2,
23 or 4-103.3 of the Illinois Vehicle Code relating to the
24 possession of a stolen or converted motor vehicle, or a
25 violation of Section 8 of the Illinois Credit Card and
26 Debit Card Act is guilty of a Class 4 felony. When a
27 person has any such prior conviction, the information or
28 indictment charging that person shall state such prior
29 conviction so as to give notice of the State's intention
30 to treat the charge as a felony. The fact of such prior
31 conviction is not an element of the offense and may not
32 be disclosed to the jury during trial unless otherwise
33 permitted by issues properly raised during such trial.

34 (3) (Blank).

1 (4) Theft of property from the person not exceeding
2 \$300 in value, or theft of property exceeding \$300 and
3 not exceeding \$10,000 in value, is a Class 3 felony.

4 (4.1) Theft of property from the person not
5 exceeding \$300 in value, or theft of property exceeding
6 \$300 and not exceeding \$10,000 in value, is a Class 2
7 felony if the theft was committed in a school or place of
8 worship.

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

11 (5.1) Theft of property exceeding \$10,000 and not
12 exceeding \$100,000 in value is a Class 1 felony if the
13 theft was committed in a school or place of worship.

14 (6) Theft of property exceeding \$100,000 in value
15 is a Class 1 felony.

16 (6.1) Theft of property exceeding \$100,000 in value
17 is a Class X felony if the theft was committed in a
18 school or place of worship.

19 (7) Theft by deception, as described by paragraph
20 (2) of subsection (a) of this Section, in which the
21 offender obtained money or property valued at \$5,000 or
22 more from a victim 60 years of age or older is a Class 2
23 felony.

24 (8) Theft of anhydrous ammonia as defined in
25 paragraph (d) of Section 3 of the Illinois Fertilizer Act
26 of 1961 is a Class 2 felony.

27 (c) When a charge of theft of property exceeding a
28 specified value is brought, the value of the property
29 involved is an element of the offense to be resolved by the
30 trier of fact as either exceeding or not exceeding the
31 specified value.

32 (Source: P.A. 91-118, eff. 1-1-00; 91-360, eff. 7-29-99;
33 91-544, eff. 1-1-00; 92-16, eff. 6-28-01.)

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