

1 AN ACT in relation to criminal law.

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

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

6 (720 ILCS 5/16G-15)

7 Sec. 16G-15. Identity theft.

8 (a) A person commits the offense of identity theft when he  
9 or she knowingly:

10 (1) uses any personal identifying information or  
11 personal identification document of another person to  
12 fraudulently obtain credit, money, goods, services, or  
13 other property, or

14 (2) uses any personal identification information or  
15 personal identification document of another with intent to  
16 commit any felony theft or other felony violation of State  
17 law not set forth in paragraph (1) of this subsection (a),  
18 or

19 (3) obtains, records, possesses, sells, transfers,  
20 purchases, or manufactures any personal identification  
21 information or personal identification document of another  
22 with intent to commit or to aid or abet another in  
23 committing any felony theft or other felony violation of  
24 State law, or

25 (4) uses, obtains, records, possesses, sells,  
26 transfers, purchases, or manufactures any personal  
27 identification information or personal identification  
28 document of another knowing that such personal  
29 identification information or personal identification  
30 documents were stolen or produced without lawful  
31 authority, or

32 (5) uses, transfers, or possesses document-making

1 implements to produce false identification or false  
2 documents with knowledge that they will be used by the  
3 person or another to commit any felony theft or other  
4 felony violation of State law.

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

8 (c) ~~If~~ ~~when~~ a charge of identity theft of credit, money,  
9 goods, services, or other property exceeding a specified value  
10 is brought, the value of the credit, money, goods, services, or  
11 other property is an element of the offense to be resolved by  
12 the trier of fact as either exceeding or not exceeding the  
13 specified value.

14 (d) Sentence.

15 (1) A person convicted of identity theft in violation  
16 of paragraph (1) of subsection (a) shall be sentenced as  
17 follows:

18 (A) identity theft of credit, money, goods,  
19 services, or other property not exceeding \$300 in value  
20 is a Class A misdemeanor. A person who has been  
21 previously convicted of identity theft of less than  
22 \$300 who is convicted of a second or subsequent offense  
23 of identity theft of less than \$300 is guilty of a  
24 Class 4 felony. A person who has been convicted of  
25 identity theft of less than \$300 who has been  
26 previously convicted of any type of theft, robbery,  
27 armed robbery, burglary, residential burglary,  
28 possession of burglary tools, home invasion, home  
29 repair fraud, aggravated home repair fraud, or  
30 financial exploitation of an elderly or disabled  
31 person is guilty of a Class 4 felony. When a person has  
32 any such prior conviction, the information or  
33 indictment charging that person shall state the prior  
34 conviction so as to give notice of the State's  
35 intention to treat the charge as a felony. The fact of  
36 the prior conviction is not an element of the offense

1 and may not be disclosed to the jury during trial  
2 unless otherwise permitted by issues properly raised  
3 during the trial.

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

7 (C) Identity theft of credit, money, goods,  
8 services, or other property exceeding \$2,000 and not  
9 exceeding \$10,000 in value is a Class 3 felony.

10 (D) Identity theft of credit, money, goods,  
11 services, or other property exceeding \$10,000 and not  
12 exceeding \$100,000 in value is a Class 2 felony.

13 (E) Identity theft of credit, money, goods,  
14 services, or other property exceeding \$100,000 in  
15 value is a Class 1 felony.

16 (2) A person convicted of any offense enumerated in  
17 paragraphs (2) through (5) of subsection (a) is guilty of a  
18 Class 4 felony.

19 (3) A person convicted of any offense enumerated in  
20 paragraphs (2) through (5) of subsection (a) a second or  
21 subsequent time is guilty of a Class 3 felony.

22 (4) A person who, within a 12 month period, is found in  
23 violation of any offense enumerated in paragraphs (2)  
24 through (5) of subsection (a) with respect to the  
25 identifiers of 3 or more separate individuals, at the same  
26 time or consecutively, is guilty of a Class 3 felony.

27 (Source: P.A. 92-792, eff. 8-6-02; 93-401, eff. 7-31-03.)