



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2253

Introduced 2/15/2011, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-1-12 new
720 ILCS 5/16A-7

from Ch. 38, par. 16A-7

Amends the Illinois Municipal Code. Provides that the corporate authorities of a municipality may, by ordinance, declare retail theft to be unlawful. Provides that the ordinance shall only apply to first time offenders that have not previously been convicted of theft, robbery, burglary, or home invasion. Further provides that a municipality shall enforce a retail theft offense by bringing action in the circuit court, and that an offense shall be reported to the State's Attorney within 10 days after the offense has been charged. Amends the Criminal Code of 1961. Provides that a person who commits retail theft in a municipality that has adopted an ordinance that makes the offense unlawful, shall be civilly liable to the merchant of the merchandise. Sets forth the amounts in which a person who commits retail theft shall be civilly liable. Effective immediately.

LRB097 05427 KMW 45485 b

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Municipal Code is amended by adding
5 Section 11-1-12 as follows:

6 (65 ILCS 5/11-1-12 new)

7 Sec. 11-1-12. Local retail theft ordinance. The corporate
8 authorities of a municipality may, by ordinance, declare retail
9 theft, as defined by the Criminal Code of 1961, to be unlawful.
10 An ordinance enacted under this Section shall not apply to any
11 offense of retail theft exceeding \$150. Any ordinance enacted
12 under this Section shall only apply to first time offenders
13 that have not previously been convicted of theft, robbery,
14 burglary, or home invasion under the Criminal Code of 1961. An
15 action to enforce an ordinance enacted under this Section shall
16 be brought in the circuit court and shall not be subject to
17 adjudication in any administrative adjudication system that
18 may be established by the municipality. Any offense charged
19 under this ordinance shall be reported to the State's Attorney
20 in the jurisdiction where the municipality lies within 10 days
21 after the offense has been charged. This Section is not a
22 limitation on home rule units.

1 Section 10. The Criminal Code of 1961 is amended by
2 changing Section 16A-7 as follows:

3 (720 ILCS 5/16A-7) (from Ch. 38, par. 16A-7)

4 Sec. 16A-7. Civil Liability.

5 (a) A person who commits the offense of retail theft as
6 defined in Section 16A-3 paragraphs (a), (b), (c), or (h) of
7 this Code or Section 11-1-12 of the Illinois Municipal Code,
8 shall be civilly liable to the merchant of the merchandise in
9 an amount consisting of:

10 (i) actual damages equal to the full retail value of
11 the merchandise as defined herein; plus

12 (ii) an amount not less than \$100 nor more than \$1,000;
13 plus

14 (iii) attorney's fees and court costs.

15 (b) If a minor commits the offense of retail theft, the
16 parents or guardian of said minor shall be civilly liable as
17 provided in this Section; provided, however that a guardian
18 appointed pursuant to the Juvenile Court Act or the Juvenile
19 Court Act of 1987 shall not be liable under this Section. Total
20 recovery under this Section shall not exceed the maximum
21 recovery permitted under Section 5 of the "Parental
22 Responsibility Law", approved October 6, 1969, as now or
23 hereafter amended.

24 (c) A conviction or a plea of guilty to the offense of
25 retail theft is not a prerequisite to the bringing of a civil

1 suit hereunder.

2 (d) Judgments arising under this Section may be assigned.

3 (Source: P.A. 93-329, eff. 7-24-03.)

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