

HB3201



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3201

by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

720 ILCS 5/1-6

from Ch. 38, par. 1-6

Amends the Criminal Code of 2012. Adds the county where the victim resides as an allowable venue for trials of the offenses of online sale of stolen property, online theft by deception, or electronic fencing.

LRB099 00248 MRW 20253 b

A BILL FOR

1 AN ACT concerning 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 2012 is amended by changing
5 Section 1-6 as follows:

6 (720 ILCS 5/1-6) (from Ch. 38, par. 1-6)

7 Sec. 1-6. Place of trial.

8 (a) Generally.

9 Criminal actions shall be tried in the county where the
10 offense was committed, except as otherwise provided by law. The
11 State is not required to prove during trial that the alleged
12 offense occurred in any particular county in this State. When a
13 defendant contests the place of trial under this Section, all
14 proceedings regarding this issue shall be conducted under
15 Section 114-1 of the Code of Criminal Procedure of 1963. All
16 objections of improper place of trial are waived by a defendant
17 unless made before trial.

18 (b) Assailant and Victim in Different Counties.

19 If a person committing an offense upon the person of
20 another is located in one county and his victim is located in
21 another county at the time of the commission of the offense,
22 trial may be had in either of said counties.

23 (c) Death and Cause of Death in Different Places or

1 Undetermined.

2 If cause of death is inflicted in one county and death
3 ensues in another county, the offender may be tried in either
4 county. If neither the county in which the cause of death was
5 inflicted nor the county in which death ensued are known before
6 trial, the offender may be tried in the county where the body
7 was found.

8 (d) Offense Commenced Outside the State.

9 If the commission of an offense commenced outside the State
10 is consummated within this State, the offender shall be tried
11 in the county where the offense is consummated.

12 (e) Offenses Committed in Bordering Navigable Waters.

13 If an offense is committed on any of the navigable waters
14 bordering on this State, the offender may be tried in any
15 county adjacent to such navigable water.

16 (f) Offenses Committed while in Transit.

17 If an offense is committed upon any railroad car, vehicle,
18 watercraft or aircraft passing within this State, and it cannot
19 readily be determined in which county the offense was
20 committed, the offender may be tried in any county through
21 which such railroad car, vehicle, watercraft or aircraft has
22 passed.

23 (g) Theft.

24 A person who commits theft of property may be tried in any
25 county in which he exerted control over such property.

26 (h) Bigamy.

1 A person who commits the offense of bigamy may be tried in
2 any county where the bigamous marriage or bigamous cohabitation
3 has occurred.

4 (i) Kidnaping.

5 A person who commits the offense of kidnaping may be tried
6 in any county in which his victim has traveled or has been
7 confined during the course of the offense.

8 (j) Pandering.

9 A person who commits the offense of pandering as set forth
10 in subdivision (a) (2) (A) or (a) (2) (B) of Section 11-14.3 may be
11 tried in any county in which the prostitution was practiced or
12 in any county in which any act in furtherance of the offense
13 shall have been committed.

14 (k) Treason.

15 A person who commits the offense of treason may be tried in
16 any county.

17 (l) Criminal Defamation.

18 If criminal defamation is spoken, printed or written in one
19 county and is received or circulated in another or other
20 counties, the offender shall be tried in the county where the
21 defamation is spoken, printed or written. If the defamation is
22 spoken, printed or written outside this state, or the offender
23 resides outside this state, the offender may be tried in any
24 county in this state in which the defamation was circulated or
25 received.

26 (m) Inchoate Offenses.

1 A person who commits an inchoate offense may be tried in
2 any county in which any act which is an element of the offense,
3 including the agreement in conspiracy, is committed.

4 (n) Accountability for Conduct of Another.

5 Where a person in one county solicits, aids, abets, agrees,
6 or attempts to aid another in the planning or commission of an
7 offense in another county, he may be tried for the offense in
8 either county.

9 (o) Child Abduction.

10 A person who commits the offense of child abduction may be
11 tried in any county in which his victim has traveled, been
12 detained, concealed or removed to during the course of the
13 offense. Notwithstanding the foregoing, unless for good cause
14 shown, the preferred place of trial shall be the county of the
15 residence of the lawful custodian.

16 (p) A person who commits the offense of narcotics
17 racketeering may be tried in any county where cannabis or a
18 controlled substance which is the basis for the charge of
19 narcotics racketeering was used; acquired; transferred or
20 distributed to, from or through; or any county where any act
21 was performed to further the use; acquisition, transfer or
22 distribution of said cannabis or controlled substance; any
23 money, property, property interest, or any other asset
24 generated by narcotics activities was acquired, used, sold,
25 transferred or distributed to, from or through; or, any
26 enterprise interest obtained as a result of narcotics

1 racketeering was acquired, used, transferred or distributed
2 to, from or through, or where any activity was conducted by the
3 enterprise or any conduct to further the interests of such an
4 enterprise.

5 (q) A person who commits the offense of money laundering
6 may be tried in any county where any part of a financial
7 transaction in criminally derived property took place or in any
8 county where any money or monetary instrument which is the
9 basis for the offense was acquired, used, sold, transferred or
10 distributed to, from or through.

11 (r) A person who commits the offense of cannabis
12 trafficking or controlled substance trafficking may be tried in
13 any county.

14 (s) A person who commits the offense of online sale of
15 stolen property, online theft by deception, or electronic
16 fencing may be tried in any county where any one or more
17 elements of the offense took place, regardless of whether the
18 element of the offense was the result of acts by the accused,
19 the victim or by another person, and regardless of whether the
20 defendant was ever physically present within the boundaries of
21 the county. A person who commits any of these offenses may also
22 be tried in the county where the victim resides.

23 (t) A person who commits the offense of identity theft or
24 aggravated identity theft may be tried in any one of the
25 following counties in which: (1) the offense occurred; (2) the
26 information used to commit the offense was illegally used; or

1 (3) the victim resides.

2 If a person is charged with more than one violation of
3 identity theft or aggravated identity theft and those
4 violations may be tried in more than one county, any of those
5 counties is a proper venue for all of the violations.

6 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)