

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 10. The Criminal Code of 2012 is amended by
5 changing Sections 1-6, 16-1, and 17-56 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.

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

1 (u) A person who commits the offense of financial
2 exploitation of an elderly person or a person with a disability
3 may be tried in any one of the following counties in which: (1)
4 any part of the offense occurred; or (2) the victim or one of
5 the victims reside.

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

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

11 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

12 Sec. 16-1. Theft.

13 (a) A person commits theft when he or she knowingly:

14 (1) Obtains or exerts unauthorized control over
15 property of the owner; or

16 (2) Obtains by deception control over property of the
17 owner; or

18 (3) Obtains by threat control over property of the
19 owner; or

20 (4) Obtains control over stolen property knowing the
21 property to have been stolen or under such circumstances as
22 would reasonably induce him or her to believe that the
23 property was stolen; or

24 (5) Obtains or exerts control over property in the
25 custody of any law enforcement agency which any law

1 enforcement officer or any individual acting in behalf of a
2 law enforcement agency explicitly represents to the person
3 as being stolen or represents to the person such
4 circumstances as would reasonably induce the person to
5 believe that the property was stolen, and

6 (A) Intends to deprive the owner permanently of the
7 use or benefit of the property; or

8 (B) Knowingly uses, conceals or abandons the
9 property in such manner as to deprive the owner
10 permanently of such use or benefit; or

11 (C) Uses, conceals, or abandons the property
12 knowing such use, concealment or abandonment probably
13 will deprive the owner permanently of such use or
14 benefit.

15 (b) Sentence.

16 (1) Theft of property not from the person and not
17 exceeding \$500 in value is a Class A misdemeanor.

18 (1.1) Theft of property not from the person and not
19 exceeding \$500 in value is a Class 4 felony if the theft
20 was committed in a school or place of worship or if the
21 theft was of governmental property.

22 (2) A person who has been convicted of theft of
23 property not from the person and not exceeding \$500 in
24 value who has been previously convicted of any type of
25 theft, robbery, armed robbery, burglary, residential
26 burglary, possession of burglary tools, home invasion,

1 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or
2 4-103.3 of the Illinois Vehicle Code relating to the
3 possession of a stolen or converted motor vehicle, or a
4 violation of Section 17-36 of the Criminal Code of 1961 or
5 the Criminal Code of 2012, or Section 8 of the Illinois
6 Credit Card and Debit Card Act is guilty of a Class 4
7 felony.

8 (3) (Blank).

9 (4) Theft of property from the person not exceeding
10 \$500 in value, or theft of property exceeding \$500 and not
11 exceeding \$10,000 in value, is a Class 3 felony.

12 (4.1) Theft of property from the person not exceeding
13 \$500 in value, or theft of property exceeding \$500 and not
14 exceeding \$10,000 in value, is a Class 2 felony if the
15 theft was committed in a school or place of worship or if
16 the theft was of governmental property.

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

19 (5.1) Theft of property exceeding \$10,000 and not
20 exceeding \$100,000 in value is a Class 1 felony if the
21 theft was committed in a school or place of worship or if
22 the theft was of governmental property.

23 (6) Theft of property exceeding \$100,000 and not
24 exceeding \$500,000 in value is a Class 1 felony.

25 (6.1) Theft of property exceeding \$100,000 in value is
26 a Class X felony if the theft was committed in a school or

1 place of worship or if the theft was of governmental
2 property.

3 (6.2) Theft of property exceeding \$500,000 and not
4 exceeding \$1,000,000 in value is a Class 1
5 non-probationable felony.

6 (6.3) Theft of property exceeding \$1,000,000 in value
7 is a Class X felony.

8 (7) Theft by deception, as described by paragraph (2)
9 of subsection (a) of this Section, in which the offender
10 obtained money or property valued at \$5,000 or more from a
11 victim 60 years of age or older or a person with a
12 disability is a Class 2 felony.

13 (8) Theft by deception, as described by paragraph (2)
14 of subsection (a) of this Section, in which the offender
15 falsely poses as a landlord or agent or employee of the
16 landlord and obtains a rent payment or a security deposit
17 from a tenant is a Class 3 felony if the rent payment or
18 security deposit obtained does not exceed \$500.

19 (9) Theft by deception, as described by paragraph (2)
20 of subsection (a) of this Section, in which the offender
21 falsely poses as a landlord or agent or employee of the
22 landlord and obtains a rent payment or a security deposit
23 from a tenant is a Class 2 felony if the rent payment or
24 security deposit obtained exceeds \$500 and does not exceed
25 \$10,000.

26 (10) Theft by deception, as described by paragraph (2)

1 of subsection (a) of this Section, in which the offender
2 falsely poses as a landlord or agent or employee of the
3 landlord and obtains a rent payment or a security deposit
4 from a tenant is a Class 1 felony if the rent payment or
5 security deposit obtained exceeds \$10,000 and does not
6 exceed \$100,000.

7 (11) Theft by deception, as described by paragraph (2)
8 of subsection (a) of this Section, in which the offender
9 falsely poses as a landlord or agent or employee of the
10 landlord and obtains a rent payment or a security deposit
11 from a tenant is a Class X felony if the rent payment or
12 security deposit obtained exceeds \$100,000.

13 (c) When a charge of theft of property exceeding a
14 specified value is brought, the value of the property involved
15 is an element of the offense to be resolved by the trier of
16 fact as either exceeding or not exceeding the specified value.

17 (d) Theft by lessee; permissive inference. The trier of
18 fact may infer evidence that a person intends to deprive the
19 owner permanently of the use or benefit of the property (1) if
20 a lessee of the personal property of another fails to return it
21 to the owner within 10 days after written demand from the owner
22 for its return or (2) if a lessee of the personal property of
23 another fails to return it to the owner within 24 hours after
24 written demand from the owner for its return and the lessee had
25 presented identification to the owner that contained a
26 materially fictitious name, address, or telephone number. A

1 notice in writing, given after the expiration of the leasing
2 agreement, addressed and mailed, by registered mail, to the
3 lessee at the address given by him and shown on the leasing
4 agreement shall constitute proper demand.

5 (e) Permissive inference; evidence of intent that a person
6 obtains by deception control over property. The trier of fact
7 may infer that a person "knowingly obtains by deception control
8 over property of the owner" when he or she fails to return,
9 within 45 days after written demand from the owner, the
10 downpayment and any additional payments accepted under a
11 promise, oral or in writing, to perform services for the owner
12 for consideration of \$3,000 or more, and the promisor knowingly
13 without good cause failed to substantially perform pursuant to
14 the agreement after taking a down payment of 10% or more of the
15 agreed upon consideration. This provision shall not apply where
16 the owner initiated the suspension of performance under the
17 agreement, or where the promisor responds to the notice within
18 the 45-day notice period. A notice in writing, addressed and
19 mailed, by registered mail, to the promisor at the last known
20 address of the promisor, shall constitute proper demand.

21 (f) Offender's interest in the property.

22 (1) It is no defense to a charge of theft of property
23 that the offender has an interest therein, when the owner
24 also has an interest to which the offender is not entitled.

25 (2) Where the property involved is that of the
26 offender's spouse, no prosecution for theft may be

1 maintained unless the parties were not living together as
2 man and wife and were living in separate abodes at the time
3 of the alleged theft.

4 (Source: P.A. 96-496, eff. 1-1-10; 96-534, eff. 8-14-09;
5 96-1000, eff. 7-2-10; 96-1301, eff. 1-1-11; 96-1532, eff.
6 1-1-12; 96-1551, eff. 7-1-11; 97-597, eff. 1-1-12; 97-1150,
7 eff. 1-25-13.)

8 (720 ILCS 5/17-56) (was 720 ILCS 5/16-1.3)

9 Sec. 17-56. Financial exploitation of an elderly person or
10 a person with a disability.

11 (a) A person commits financial exploitation of an elderly
12 person or a person with a disability when he or she stands in a
13 position of trust or confidence with the elderly person or a
14 person with a disability and he or she knowingly: ~~and~~

15 (1) by deception or intimidation obtains control over
16 the property of an elderly person or a person with a
17 disability; or

18 (2) illegally uses the assets or resources of an
19 elderly person or a person with a disability.

20 (b) Sentence. Financial exploitation of an elderly person
21 or a person with a disability is: (1) a Class 4 felony if the
22 value of the property is \$300 or less, (2) a Class 3 felony if
23 the value of the property is more than \$300 but less than
24 \$5,000, (3) a Class 2 felony if the value of the property is
25 \$5,000 or more but less than \$50,000, and (4) a Class 1 felony

1 if the value of the property is \$50,000 or more or if the
2 elderly person is over 70 years of age and the value of the
3 property is \$15,000 or more or if the elderly person is 80
4 years of age or older and the value of the property is \$5,000
5 or more.

6 (c) For purposes of this Section:

7 (1) "Elderly person" means a person 60 years of age or
8 older.

9 (2) "Person with a disability" means a person who
10 suffers from a physical or mental impairment resulting from
11 disease, injury, functional disorder or congenital
12 condition that impairs the individual's mental or physical
13 ability to independently manage his or her property or
14 financial resources, or both.

15 (3) "Intimidation" means the communication to an
16 elderly person or a person with a disability that he or she
17 shall be deprived of food and nutrition, shelter,
18 prescribed medication or medical care and treatment or
19 conduct as provided in Section 12-6 of this Code.

20 (4) "Deception" means, in addition to its meaning as
21 defined in Section 15-4 of this Code, a misrepresentation
22 or concealment of material fact relating to the terms of a
23 contract or agreement entered into with the elderly person
24 or person with a disability or to the existing or
25 pre-existing condition of any of the property involved in
26 such contract or agreement; or the use or employment of any

1 misrepresentation, false pretense or false promise in
2 order to induce, encourage or solicit the elderly person or
3 person with a disability to enter into a contract or
4 agreement.

5 The illegal use of the assets or resources of an elderly
6 person or a person with a disability includes, but is not
7 limited to, the misappropriation of those assets or resources
8 by undue influence, breach of a fiduciary relationship, fraud,
9 deception, extortion, or use of the assets or resources
10 contrary to law.

11 A person stands in a position of trust and confidence with
12 an elderly person or person with a disability when he (i) is a
13 parent, spouse, adult child or other relative by blood or
14 marriage of the elderly person or person with a disability,
15 (ii) is a joint tenant or tenant in common with the elderly
16 person or person with a disability, (iii) has a legal or
17 fiduciary relationship with the elderly person or person with a
18 disability, (iv) is a financial planning or investment
19 professional, or (v) is a paid or unpaid caregiver for the
20 elderly person or person with a disability.

21 (d) Limitations. Nothing in this Section shall be construed
22 to limit the remedies available to the victim under the
23 Illinois Domestic Violence Act of 1986.

24 (e) Good faith efforts. Nothing in this Section shall be
25 construed to impose criminal liability on a person who has made
26 a good faith effort to assist the elderly person or person with

1 a disability in the management of his or her property, but
2 through no fault of his or her own has been unable to provide
3 such assistance.

4 (f) Not a defense. It shall not be a defense to financial
5 exploitation of an elderly person or person with a disability
6 that the accused reasonably believed that the victim was not an
7 elderly person or person with a disability. Consent is not a
8 defense to financial exploitation of an elderly person or a
9 person with a disability if the accused knew or had reason to
10 know that the elderly person or a person with a disability
11 lacked capacity to consent.

12 (g) Civil Liability. A civil cause of action exists for
13 financial exploitation of an elderly person or a person with a
14 disability as described in subsection (a) of this Section. A
15 person against whom a civil judgment has been entered for
16 financial exploitation of an elderly person or person with a
17 disability shall be liable to the victim or to the estate of
18 the victim in damages of treble the amount of the value of the
19 property obtained, plus reasonable attorney fees and court
20 costs. In a civil action under this subsection, the burden of
21 proof that the defendant committed financial exploitation of an
22 elderly person or a person with a disability as described in
23 subsection (a) of this Section shall be by a preponderance of
24 the evidence. This subsection shall be operative whether or not
25 the defendant has been charged or convicted of the criminal
26 offense as described in subsection (a) of this Section. This

1 subsection (g) shall not limit or affect the right of any
2 person to bring any cause of action or seek any remedy
3 available under the common law, or other applicable law,
4 arising out of the financial exploitation of an elderly person
5 or a person with a disability.

6 (h) If a person is charged with financial exploitation of
7 an elderly person or a person with a disability that involves
8 the taking or loss of property valued at more than \$5,000, a
9 prosecuting attorney may file a petition with the circuit court
10 of the county in which the defendant has been charged to freeze
11 the assets of the defendant in an amount equal to but not
12 greater than the alleged value of lost or stolen property in
13 the defendant's pending criminal proceeding for purposes of
14 restitution to the victim. The burden of proof required to
15 freeze the defendant's assets shall be by a preponderance of
16 the evidence.

17 (Source: P.A. 99-272, eff. 1-1-16.)