



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2316

Introduced 1/8/2020, by Sen. Jil Tracy

SYNOPSIS AS INTRODUCED:

720 ILCS 5/1-6	from Ch. 38, par. 1-6
720 ILCS 5/12-3.05	was 720 ILCS 5/12-4
720 ILCS 5/16-1	from Ch. 38, par. 16-1
720 ILCS 5/17-56	was 720 ILCS 5/16-1.3

Amends the Criminal Code of 2012. Provides that a person who commits the offense of financial exploitation of an elderly person or a person with a disability may be tried in any county in which any part of the assets that the person obtained control over are held. Provides that a defense to aggravated battery of a person 60 years of age or older does not exist merely because the accused reasonably believed the victim to be than 60 years of age. Enhances the penalties for theft and theft by deception if the victim is 60 years of age or older or a person with a disability or if the offense was committed in a nursing home, an assisted living facility, or a supportive living facility. Provides that theft, theft by deception, and financial exploitation of an elderly person or a person with a disability is a Class X felony if the value of the property stolen or illegally obtained exceeds \$100,000 (rather than \$1,000,000).

LRB101 14906 RLC 63896 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 Sections 1-6, 12-3.05, 16-1, and 17-56 as follows:

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

7 (Text of Section before amendment by P.A. 101-394)

8 Sec. 1-6. Place of trial.

9 (a) Generally.

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

19 (b) Assailant and Victim in Different Counties.

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

1 (c) Death and Cause of Death in Different Places or
2 Undetermined.

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

9 (d) Offense Commenced Outside the State.

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

13 (e) Offenses Committed in Bordering Navigable Waters.

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

17 (f) Offenses Committed while in Transit.

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

24 (g) Theft.

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

1 (h) Bigamy.

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

5 (i) Kidnaping.

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

9 (j) Pandering.

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

15 (k) Treason.

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

18 (l) Criminal Defamation.

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

1 (m) Inchoate Offenses.

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

5 (n) Accountability for Conduct of Another.

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

10 (o) Child Abduction.

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

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

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

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

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

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

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.)

7 (Text of Section after amendment by P.A. 101-394)

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18 narcotics racketeering was used; acquired; transferred or
19 distributed to, from or through; or any county where any act
20 was performed to further the use; acquisition, transfer or
21 distribution of said cannabis or controlled substance; any
22 money, property, property interest, or any other asset
23 generated by narcotics activities was acquired, used, sold,
24 transferred or distributed to, from or through; or, any
25 enterprise interest obtained as a result of narcotics
26 racketeering was acquired, used, transferred or distributed

1 to, from or through, or where any activity was conducted by the
2 enterprise or any conduct to further the interests of such an
3 enterprise.

4 (q) A person who commits the offense of money laundering
5 may be tried in any county where any part of a financial
6 transaction in criminally derived property took place or in any
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8 basis for the offense was acquired, used, sold, transferred or
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12 any county.

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18 the victim or by another person, and regardless of whether the
19 defendant was ever physically present within the boundaries of
20 the county.

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

26 (u) A person who commits the offense of financial

1 exploitation of an elderly person or a person with a disability
2 may be tried in any one of the following counties in which: (1)
3 any part of the offense occurred; ~~or~~ (2) the victim or one of
4 the victims reside; or (3) any part of the assets that the
5 person obtained control over are held.

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. 101-394, eff. 1-1-20.)

11 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

12 Sec. 12-3.05. Aggravated battery.

13 (a) Offense based on injury. A person commits aggravated
14 battery when, in committing a battery, other than by the
15 discharge of a firearm, he or she knowingly does any of the
16 following:

17 (1) Causes great bodily harm or permanent disability or
18 disfigurement.

19 (2) Causes severe and permanent disability, great
20 bodily harm, or disfigurement by means of a caustic or
21 flammable substance, a poisonous gas, a deadly biological
22 or chemical contaminant or agent, a radioactive substance,
23 or a bomb or explosive compound.

24 (3) Causes great bodily harm or permanent disability or
25 disfigurement to an individual whom the person knows to be

1 a peace officer, community policing volunteer, fireman,
2 private security officer, correctional institution
3 employee, or Department of Human Services employee
4 supervising or controlling sexually dangerous persons or
5 sexually violent persons:

6 (i) performing his or her official duties;

7 (ii) battered to prevent performance of his or her
8 official duties; or

9 (iii) battered in retaliation for performing his
10 or her official duties.

11 (4) Causes great bodily harm or permanent disability or
12 disfigurement to an individual 60 years of age or older.

13 (5) Strangles another individual.

14 (b) Offense based on injury to a child or person with an
15 intellectual disability. A person who is at least 18 years of
16 age commits aggravated battery when, in committing a battery,
17 he or she knowingly and without legal justification by any
18 means:

19 (1) causes great bodily harm or permanent disability or
20 disfigurement to any child under the age of 13 years, or to
21 any person with a severe or profound intellectual
22 disability; or

23 (2) causes bodily harm or disability or disfigurement
24 to any child under the age of 13 years or to any person
25 with a severe or profound intellectual disability.

26 (c) Offense based on location of conduct. A person commits

1 aggravated battery when, in committing a battery, other than by
2 the discharge of a firearm, he or she is or the person battered
3 is on or about a public way, public property, a public place of
4 accommodation or amusement, a sports venue, or a domestic
5 violence shelter, or in a church, synagogue, mosque, or other
6 building, structure, or place used for religious worship.

7 (d) Offense based on status of victim. A person commits
8 aggravated battery when, in committing a battery, other than by
9 discharge of a firearm, he or she knows the individual battered
10 to be any of the following:

11 (1) A person 60 years of age or older. It is not a
12 defense to this paragraph that the person reasonably
13 believed the individual battered to be less than 60 years
14 of age.

15 (2) A person who is pregnant or has a physical
16 disability.

17 (3) A teacher or school employee upon school grounds or
18 grounds adjacent to a school or in any part of a building
19 used for school purposes.

20 (4) A peace officer, community policing volunteer,
21 fireman, private security officer, correctional
22 institution employee, or Department of Human Services
23 employee supervising or controlling sexually dangerous
24 persons or sexually violent persons:

25 (i) performing his or her official duties;

26 (ii) battered to prevent performance of his or her

1 official duties; or

2 (iii) battered in retaliation for performing his
3 or her official duties.

4 (5) A judge, emergency management worker, emergency
5 medical services personnel, or utility worker:

6 (i) performing his or her official duties;

7 (ii) battered to prevent performance of his or her
8 official duties; or

9 (iii) battered in retaliation for performing his
10 or her official duties.

11 (6) An officer or employee of the State of Illinois, a
12 unit of local government, or a school district, while
13 performing his or her official duties.

14 (7) A transit employee performing his or her official
15 duties, or a transit passenger.

16 (8) A taxi driver on duty.

17 (9) A merchant who detains the person for an alleged
18 commission of retail theft under Section 16-26 of this Code
19 and the person without legal justification by any means
20 causes bodily harm to the merchant.

21 (10) A person authorized to serve process under Section
22 2-202 of the Code of Civil Procedure or a special process
23 server appointed by the circuit court while that individual
24 is in the performance of his or her duties as a process
25 server.

26 (11) A nurse while in the performance of his or her

1 duties as a nurse.

2 (e) Offense based on use of a firearm. A person commits
3 aggravated battery when, in committing a battery, he or she
4 knowingly does any of the following:

5 (1) Discharges a firearm, other than a machine gun or a
6 firearm equipped with a silencer, and causes any injury to
7 another person.

8 (2) Discharges a firearm, other than a machine gun or a
9 firearm equipped with a silencer, and causes any injury to
10 a person he or she knows to be a peace officer, community
11 policing volunteer, person summoned by a police officer,
12 fireman, private security officer, correctional
13 institution employee, or emergency management worker:

14 (i) performing his or her official duties;

15 (ii) battered to prevent performance of his or her
16 official duties; or

17 (iii) battered in retaliation for performing his
18 or her official duties.

19 (3) Discharges a firearm, other than a machine gun or a
20 firearm equipped with a silencer, and causes any injury to
21 a person he or she knows to be emergency medical services
22 personnel:

23 (i) performing his or her official duties;

24 (ii) battered to prevent performance of his or her
25 official duties; or

26 (iii) battered in retaliation for performing his

1 or her official duties.

2 (4) Discharges a firearm and causes any injury to a
3 person he or she knows to be a teacher, a student in a
4 school, or a school employee, and the teacher, student, or
5 employee is upon school grounds or grounds adjacent to a
6 school or in any part of a building used for school
7 purposes.

8 (5) Discharges a machine gun or a firearm equipped with
9 a silencer, and causes any injury to another person.

10 (6) Discharges a machine gun or a firearm equipped with
11 a silencer, and causes any injury to a person he or she
12 knows to be a peace officer, community policing volunteer,
13 person summoned by a police officer, fireman, private
14 security officer, correctional institution employee or
15 emergency management worker:

16 (i) performing his or her official duties;

17 (ii) battered to prevent performance of his or her
18 official duties; or

19 (iii) battered in retaliation for performing his
20 or her official duties.

21 (7) Discharges a machine gun or a firearm equipped with
22 a silencer, and causes any injury to a person he or she
23 knows to be emergency medical services personnel:

24 (i) performing his or her official duties;

25 (ii) battered to prevent performance of his or her
26 official duties; or

1 (iii) battered in retaliation for performing his
2 or her official duties.

3 (8) Discharges a machine gun or a firearm equipped with
4 a silencer, and causes any injury to a person he or she
5 knows to be a teacher, or a student in a school, or a
6 school employee, and the teacher, student, or employee is
7 upon school grounds or grounds adjacent to a school or in
8 any part of a building used for school purposes.

9 (f) Offense based on use of a weapon or device. A person
10 commits aggravated battery when, in committing a battery, he or
11 she does any of the following:

12 (1) Uses a deadly weapon other than by discharge of a
13 firearm, or uses an air rifle as defined in Section
14 24.8-0.1 of this Code.

15 (2) Wears a hood, robe, or mask to conceal his or her
16 identity.

17 (3) Knowingly and without lawful justification shines
18 or flashes a laser gunsight or other laser device attached
19 to a firearm, or used in concert with a firearm, so that
20 the laser beam strikes upon or against the person of
21 another.

22 (4) Knowingly video or audio records the offense with
23 the intent to disseminate the recording.

24 (g) Offense based on certain conduct. A person commits
25 aggravated battery when, other than by discharge of a firearm,
26 he or she does any of the following:

1 (1) Violates Section 401 of the Illinois Controlled
2 Substances Act by unlawfully delivering a controlled
3 substance to another and any user experiences great bodily
4 harm or permanent disability as a result of the injection,
5 inhalation, or ingestion of any amount of the controlled
6 substance.

7 (2) Knowingly administers to an individual or causes
8 him or her to take, without his or her consent or by threat
9 or deception, and for other than medical purposes, any
10 intoxicating, poisonous, stupefying, narcotic, anesthetic,
11 or controlled substance, or gives to another person any
12 food containing any substance or object intended to cause
13 physical injury if eaten.

14 (3) Knowingly causes or attempts to cause a
15 correctional institution employee or Department of Human
16 Services employee to come into contact with blood, seminal
17 fluid, urine, or feces by throwing, tossing, or expelling
18 the fluid or material, and the person is an inmate of a
19 penal institution or is a sexually dangerous person or
20 sexually violent person in the custody of the Department of
21 Human Services.

22 (h) Sentence. Unless otherwise provided, aggravated
23 battery is a Class 3 felony.

24 Aggravated battery as defined in subdivision (a)(4),
25 (d)(4), or (g)(3) is a Class 2 felony.

26 Aggravated battery as defined in subdivision (a)(3) or

1 (g) (1) is a Class 1 felony.

2 Aggravated battery as defined in subdivision (a) (1) is a
3 Class 1 felony when the aggravated battery was intentional and
4 involved the infliction of torture, as defined in paragraph
5 (14) of subsection (b) of Section 9-1 of this Code, as the
6 infliction of or subjection to extreme physical pain, motivated
7 by an intent to increase or prolong the pain, suffering, or
8 agony of the victim.

9 Aggravated battery as defined in subdivision (a) (1) is a
10 Class 2 felony when the person causes great bodily harm or
11 permanent disability to an individual whom the person knows to
12 be a member of a congregation engaged in prayer or other
13 religious activities at a church, synagogue, mosque, or other
14 building, structure, or place used for religious worship.

15 Aggravated battery under subdivision (a) (5) is a Class 1
16 felony if:

17 (A) the person used or attempted to use a dangerous
18 instrument while committing the offense; ~~or~~

19 (B) the person caused great bodily harm or permanent
20 disability or disfigurement to the other person while
21 committing the offense; or

22 (C) the person has been previously convicted of a
23 violation of subdivision (a) (5) under the laws of this
24 State or laws similar to subdivision (a) (5) of any other
25 state.

26 Aggravated battery as defined in subdivision (e) (1) is a

1 Class X felony.

2 Aggravated battery as defined in subdivision (a)(2) is a
3 Class X felony for which a person shall be sentenced to a term
4 of imprisonment of a minimum of 6 years and a maximum of 45
5 years.

6 Aggravated battery as defined in subdivision (e)(5) is a
7 Class X felony for which a person shall be sentenced to a term
8 of imprisonment of a minimum of 12 years and a maximum of 45
9 years.

10 Aggravated battery as defined in subdivision (e)(2),
11 (e)(3), or (e)(4) is a Class X felony for which a person shall
12 be sentenced to a term of imprisonment of a minimum of 15 years
13 and a maximum of 60 years.

14 Aggravated battery as defined in subdivision (e)(6),
15 (e)(7), or (e)(8) is a Class X felony for which a person shall
16 be sentenced to a term of imprisonment of a minimum of 20 years
17 and a maximum of 60 years.

18 Aggravated battery as defined in subdivision (b)(1) is a
19 Class X felony, except that:

20 (1) if the person committed the offense while armed
21 with a firearm, 15 years shall be added to the term of
22 imprisonment imposed by the court;

23 (2) if, during the commission of the offense, the
24 person personally discharged a firearm, 20 years shall be
25 added to the term of imprisonment imposed by the court;

26 (3) if, during the commission of the offense, the

1 person personally discharged a firearm that proximately
2 caused great bodily harm, permanent disability, permanent
3 disfigurement, or death to another person, 25 years or up
4 to a term of natural life shall be added to the term of
5 imprisonment imposed by the court.

6 (i) Definitions. In this Section:

7 "Building or other structure used to provide shelter" has
8 the meaning ascribed to "shelter" in Section 1 of the Domestic
9 Violence Shelters Act.

10 "Domestic violence" has the meaning ascribed to it in
11 Section 103 of the Illinois Domestic Violence Act of 1986.

12 "Domestic violence shelter" means any building or other
13 structure used to provide shelter or other services to victims
14 or to the dependent children of victims of domestic violence
15 pursuant to the Illinois Domestic Violence Act of 1986 or the
16 Domestic Violence Shelters Act, or any place within 500 feet of
17 such a building or other structure in the case of a person who
18 is going to or from such a building or other structure.

19 "Firearm" has the meaning provided under Section 1.1 of the
20 Firearm Owners Identification Card Act, and does not include an
21 air rifle as defined by Section 24.8-0.1 of this Code.

22 "Machine gun" has the meaning ascribed to it in Section
23 24-1 of this Code.

24 "Merchant" has the meaning ascribed to it in Section 16-0.1
25 of this Code.

26 "Strangle" means intentionally impeding the normal

1 breathing or circulation of the blood of an individual by
2 applying pressure on the throat or neck of that individual or
3 by blocking the nose or mouth of that individual.

4 (Source: P.A. 101-223, eff. 1-1-20; revised 9-24-19.)

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

6 (Text of Section before amendment by P.A. 101-394)

7 Sec. 16-1. Theft.

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

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

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

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

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

19 (5) Obtains or exerts control over property in the
20 custody of any law enforcement agency which any law
21 enforcement officer or any individual acting in behalf of a
22 law enforcement agency explicitly represents to the person
23 as being stolen or represents to the person such
24 circumstances as would reasonably induce the person to
25 believe that the property was stolen, and

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

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

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

10 (b) Sentence.

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

13 (1.1) Theft of property not from the person and not
14 exceeding \$500 in value is a Class 4 felony if the theft
15 was committed in a school or place of worship or if the
16 theft was of governmental property.

17 (2) A person who has been convicted of theft of
18 property not from the person and not exceeding \$500 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, or
23 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 17-36 of the Criminal Code of 1961 or
26 the Criminal Code of 2012, or Section 8 of the Illinois

1 Credit Card and Debit Card Act is guilty of a Class 4
2 felony.

3 (3) (Blank).

4 (4) Theft of property from the person not exceeding
5 \$500 in value, or theft of property exceeding \$500 and not
6 exceeding \$10,000 in value, is a Class 3 felony.

7 (4.1) Theft of property from the person not exceeding
8 \$500 in value, or theft of property exceeding \$500 and not
9 exceeding \$10,000 in value, is a Class 2 felony if the
10 theft was committed in a school or place of worship or if
11 the theft was of governmental property.

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

14 (5.1) Theft of property exceeding \$10,000 and not
15 exceeding \$100,000 in value is a Class 1 felony if the
16 theft was committed in a school or place of worship or if
17 the theft was of governmental property.

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

20 (6.1) Theft of property exceeding \$100,000 in value is
21 a Class X felony if the theft was committed in a school or
22 place of worship or if the theft was of governmental
23 property.

24 (6.2) Theft of property exceeding \$500,000 and not
25 exceeding \$1,000,000 in value is a Class 1
26 non-probationable felony.

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

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

7 (8) 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 3 felony if the rent payment or
12 security deposit obtained does not exceed \$500.

13 (9) 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 2 felony if the rent payment or
18 security deposit obtained exceeds \$500 and does not exceed
19 \$10,000.

20 (10) Theft by deception, as described by paragraph (2)
21 of subsection (a) of this Section, in which the offender
22 falsely poses as a landlord or agent or employee of the
23 landlord and obtains a rent payment or a security deposit
24 from a tenant is a Class 1 felony if the rent payment or
25 security deposit obtained exceeds \$10,000 and does not
26 exceed \$100,000.

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

7 (c) When a charge of theft of property exceeding a
8 specified value is brought, the value of the property involved
9 is an element of the offense to be resolved by the trier of
10 fact as either exceeding or not exceeding the specified value.

11 (d) Theft by lessee; permissive inference. The trier of
12 fact may infer evidence that a person intends to deprive the
13 owner permanently of the use or benefit of the property (1) if
14 a lessee of the personal property of another fails to return it
15 to the owner within 10 days after written demand from the owner
16 for its return or (2) if a lessee of the personal property of
17 another fails to return it to the owner within 24 hours after
18 written demand from the owner for its return and the lessee had
19 presented identification to the owner that contained a
20 materially fictitious name, address, or telephone number. A
21 notice in writing, given after the expiration of the leasing
22 agreement, addressed and mailed, by registered mail, to the
23 lessee at the address given by him and shown on the leasing
24 agreement shall constitute proper demand.

25 (e) Permissive inference; evidence of intent that a person
26 obtains by deception control over property. The trier of fact

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

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

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

19 (2) Where the property involved is that of the
20 offender's spouse, no prosecution for theft may be
21 maintained unless the parties were not living together as
22 man and wife and were living in separate abodes at the time
23 of the alleged theft.

24 (Source: P.A. 96-496, eff. 1-1-10; 96-534, eff. 8-14-09;
25 96-1000, eff. 7-2-10; 96-1301, eff. 1-1-11; 96-1532, eff.
26 1-1-12; 96-1551, eff. 7-1-11; 97-597, eff. 1-1-12; 97-1150,

1 eff. 1-25-13.)

2 (Text of Section after amendment by P.A. 101-394)

3 Sec. 16-1. Theft.

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

5 (1) Obtains or exerts unauthorized control over
6 property of the owner; or

7 (2) Obtains by deception control over property of the
8 owner; or

9 (3) Obtains by threat control over property of the
10 owner; or

11 (4) Obtains control over stolen property knowing the
12 property to have been stolen or under such circumstances as
13 would reasonably induce him or her to believe that the
14 property was stolen; or

15 (5) Obtains or exerts control over property in the
16 custody of any law enforcement agency which any law
17 enforcement officer or any individual acting in behalf of a
18 law enforcement agency explicitly represents to the person
19 as being stolen or represents to the person such
20 circumstances as would reasonably induce the person to
21 believe that the property was stolen, and

22 (A) Intends to deprive the owner permanently of the
23 use or benefit of the property; or

24 (B) Knowingly uses, conceals or abandons the
25 property in such manner as to deprive the owner

1 permanently of such use or benefit; or

2 (C) Uses, conceals, or abandons the property
3 knowing such use, concealment or abandonment probably
4 will deprive the owner permanently of such use or
5 benefit.

6 (b) Sentence.

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

9 (1.1) Theft of property not from the person and not
10 exceeding \$500 in value is a Class 4 felony if the theft
11 was committed in a school, ~~or~~ place of worship, nursing
12 home, an assisted living facility, or a supportive living
13 facility or if the theft was of governmental property.

14 (2) A person who has been convicted of theft of
15 property not from the person and not exceeding \$500 in
16 value who has been previously convicted of any type of
17 theft, robbery, armed robbery, burglary, residential
18 burglary, possession of burglary tools, home invasion,
19 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or
20 4-103.3 of the Illinois Vehicle Code relating to the
21 possession of a stolen or converted motor vehicle, or a
22 violation of Section 17-36 of the Criminal Code of 1961 or
23 the Criminal Code of 2012, or Section 8 of the Illinois
24 Credit Card and Debit Card Act is guilty of a Class 4
25 felony.

26 (3) (Blank).

1 (4) Theft of property from the person not exceeding
2 \$500 in value, or theft of property exceeding \$500 and not
3 exceeding \$10,000 in value, is a Class 3 felony.

4 (4.1) Theft of property from the person not exceeding
5 \$500 in value, or theft of property exceeding \$500 and not
6 exceeding \$10,000 in value, is a Class 2 felony if the
7 theft was committed in a school, ~~or~~ place of worship, ~~or~~
8 nursing home, an assisted living facility, or a supportive
9 living facility or if the theft was of governmental
10 property.

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

13 (5.1) Theft of property exceeding \$10,000 and not
14 exceeding \$100,000 in value is a Class 1 felony if the
15 theft was committed in a school, ~~or~~ place of worship, ~~or~~
16 nursing home, an assisted living facility, or a supportive
17 living facility or if the theft was of governmental
18 property.

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

21 (6.1) Theft of property exceeding \$100,000 in value is
22 a Class X felony if the theft was committed in a school or
23 place of worship, nursing home, an assisted living
24 facility, or a supportive living facility or if the theft
25 was of governmental property.

26 (6.2) Theft of property exceeding \$500,000 and not

1 exceeding \$1,000,000 in value is a Class 1
2 non-probationable felony.

3 (6.3) Theft of property exceeding \$1,000,000 in value
4 is a Class X felony.

5 (7) Theft by deception, as described by paragraph (2)
6 of subsection (a) of this Section, from a victim aged at
7 least 60 years but not exceeding 69 years or a person with
8 a disability in which the offender obtained money or
9 property with the following values:

10 (A) not exceeding \$300 is a Class 4 felony;

11 (B) exceeding \$300 but not exceeding \$5,000 is a
12 Class 3 felony;

13 (C) exceeding \$5,000 but not exceeding \$50,000 is a
14 Class 2 felony;

15 (D) exceeding \$50,000 but not exceeding \$100,000
16 is a Class 1 felony; and

17 (E) exceeding \$100,000 is a Class X felony.~~valued~~
18 ~~at \$5,000 or more from a victim 60 years of age or~~
19 ~~older or a person with a disability is a Class 2~~
20 ~~felony.~~

21 (7.1) Theft by deception, as described by paragraph (2)
22 of subsection (a) of this Section, from a victim aged at
23 least 70 years but not exceeding 79 years in which the
24 offender obtained money or property with the following
25 values:

26 (A) not exceeding \$300 is a Class 4 felony;

1 (B) exceeding \$300 but not exceeding \$5,000 is a
2 Class 3 felony;

3 (C) exceeding \$5,000 but not exceeding \$15,000 is a
4 Class 2 felony;

5 (D) exceeding \$15,000 but not exceeding \$100,000
6 is a Class 1 felony; and

7 (E) exceeding \$100,000 is a Class X felony.

8 (7.2) Theft by deception, as described by paragraph (2)
9 of subsection (a) of this Section, from a victim aged at
10 least 80 years in which the offender obtained money or
11 property with the following values:

12 (A) not exceeding \$300 is a Class 4 felony;

13 (B) exceeding \$300 but not exceeding \$5,000 is a
14 Class 3 felony;

15 (C) exceeding \$5,000 but not exceeding \$100,000 is
16 a Class 1 felony; and

17 (D) exceeding \$100,000 is a Class X felony.

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

24 (9) Theft by deception, as described by paragraph (2)
25 of subsection (a) of this Section, in which the offender
26 falsely poses as a landlord or agent or employee of the

1 landlord and obtains a rent payment or a security deposit
2 from a tenant is a Class 2 felony if the rent payment or
3 security deposit obtained exceeds \$500 and does not exceed
4 \$10,000.

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

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

18 (c) When a charge of theft of property exceeding a
19 specified value is brought, the value of the property involved
20 is an element of the offense to be resolved by the trier of
21 fact as either exceeding or not exceeding the specified value.

22 (d) Theft by lessee; permissive inference. The trier of
23 fact may infer evidence that a person intends to deprive the
24 owner permanently of the use or benefit of the property (1) if
25 a lessee of the personal property of another fails to return it
26 to the owner within 10 days after written demand from the owner

1 for its return or (2) if a lessee of the personal property of
2 another fails to return it to the owner within 24 hours after
3 written demand from the owner for its return and the lessee had
4 presented identification to the owner that contained a
5 materially fictitious name, address, or telephone number. A
6 notice in writing, given after the expiration of the leasing
7 agreement, addressed and mailed, by registered mail, to the
8 lessee at the address given by him and shown on the leasing
9 agreement shall constitute proper demand.

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

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

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

4 (2) Where the property involved is that of the
5 offender's spouse, no prosecution for theft may be
6 maintained unless the parties were not living together as
7 man and wife and were living in separate abodes at the time
8 of the alleged theft.

9 (Source: P.A. 101-394, eff. 1-1-20.)

10 (720 ILCS 5/17-56) (was 720 ILCS 5/16-1.3)

11 (Text of Section before amendment by P.A. 101-394)

12 Sec. 17-56. Financial exploitation of an elderly person or
13 a person with a disability.

14 (a) A person commits financial exploitation of an elderly
15 person or a person with a disability when he or she stands in a
16 position of trust or confidence with the elderly person or a
17 person with a disability and he or she knowingly and by
18 deception or intimidation obtains control over the property of
19 an elderly person or a person with a disability or illegally
20 uses the assets or resources of an elderly person or a person
21 with a disability.

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

1 \$5,000, (3) a Class 2 felony if the value of the property is
2 \$5,000 or more but less than \$50,000, and (4) a Class 1 felony
3 if the value of the property is \$50,000 or more or if the
4 elderly person is over 70 years of age and the value of the
5 property is \$15,000 or more or if the elderly person is 80
6 years of age or older and the value of the property is \$5,000
7 or more.

8 (c) For purposes of this Section:

9 (1) "Elderly person" means a person 60 years of age or
10 older.

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

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

22 (4) "Deception" means, in addition to its meaning as
23 defined in Section 15-4 of this Code, a misrepresentation
24 or concealment of material fact relating to the terms of a
25 contract or agreement entered into with the elderly person
26 or person with a disability or to the existing or

1 pre-existing condition of any of the property involved in
2 such contract or agreement; or the use or employment of any
3 misrepresentation, false pretense or false promise in
4 order to induce, encourage or solicit the elderly person or
5 person with a disability to enter into a contract or
6 agreement.

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

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

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

26 (e) Good faith efforts. Nothing in this Section shall be

1 construed to impose criminal liability on a person who has made
2 a good faith effort to assist the elderly person or person with
3 a disability in the management of his or her property, but
4 through no fault of his or her own has been unable to provide
5 such assistance.

6 (f) Not a defense. It shall not be a defense to financial
7 exploitation of an elderly person or person with a disability
8 that the accused reasonably believed that the victim was not an
9 elderly person or person with a disability.

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

1 available under the common law, or other applicable law,
2 arising out of the financial exploitation of an elderly person
3 or a person with a disability.

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

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

16 (Text of Section after amendment by P.A. 101-394)

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

19 (a) A person commits financial exploitation of an elderly
20 person or a person with a disability when he or she stands in a
21 position of trust or confidence with the elderly person or a
22 person with a disability and he or she knowingly:

23 (1) by deception or intimidation obtains control over
24 the property of an elderly person or a person with a
25 disability; or

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

3 (b) Sentence. Financial exploitation of an elderly person
4 or a person with a disability is:

5 (1) A ~~a~~ Class 4 felony if the value of the property is
6 \$300 or less.~~7~~

7 (2) A ~~a~~ Class 3 felony if the value of the property is
8 more than \$300 but less than \$5,000.~~7~~

9 (3) A ~~a~~ Class 2 felony if the value of the property is
10 \$5,000 or more but less than \$50,000.~~7~~ and

11 (4) A ~~a~~ Class 1 felony:

12 (A) if the value of the property is \$50,000 or more
13 but less than \$100,000. or

14 (B) if the elderly person is over 70 years of age
15 and the value of the property is \$15,000 or more but
16 less than \$100,000; or

17 (C) if the elderly person is 80 years of age or
18 older and the value of the property is \$5,000 or more
19 but less than \$100,000.

20 (5) A Class X felony if the value of the property is
21 \$100,000 or more.

22 (c) For purposes of this Section:

23 (1) "Elderly person" means a person 60 years of age or
24 older.

25 (2) "Person with a disability" means a person who
26 suffers from a physical or mental impairment resulting from

1 disease, injury, functional disorder or congenital
2 condition that impairs the individual's mental or physical
3 ability to independently manage his or her property or
4 financial resources, or both.

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

10 (4) "Deception" means, in addition to its meaning as
11 defined in Section 15-4 of this Code, a misrepresentation
12 or concealment of material fact relating to the terms of a
13 contract or agreement entered into with the elderly person
14 or person with a disability or to the existing or
15 pre-existing condition of any of the property involved in
16 such contract or agreement; or the use or employment of any
17 misrepresentation, false pretense or false promise in
18 order to induce, encourage or solicit the elderly person or
19 person with a disability to enter into a contract or
20 agreement.

21 The illegal use of the assets or resources of an elderly
22 person or a person with a disability includes, but is not
23 limited to, the misappropriation of those assets or resources
24 by undue influence, breach of a fiduciary relationship, fraud,
25 deception, extortion, or use of the assets or resources
26 contrary to law.

1 A person stands in a position of trust and confidence with
2 an elderly person or person with a disability when he (i) is a
3 parent, spouse, adult child or other relative by blood or
4 marriage of the elderly person or person with a disability,
5 (ii) is a joint tenant or tenant in common with the elderly
6 person or person with a disability, (iii) has a legal or
7 fiduciary relationship with the elderly person or person with a
8 disability, (iv) is a financial planning or investment
9 professional, or (v) is a paid or unpaid caregiver for the
10 elderly person or person with a disability.

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

14 (e) Good faith efforts. Nothing in this Section shall be
15 construed to impose criminal liability on a person who has made
16 a good faith effort to assist the elderly person or person with
17 a disability in the management of his or her property, but
18 through no fault of his or her own has been unable to provide
19 such assistance.

20 (f) Not a defense. It shall not be a defense to financial
21 exploitation of an elderly person or person with a disability
22 that the accused reasonably believed that the victim was not an
23 elderly person or person with a disability. Consent is not a
24 defense to financial exploitation of an elderly person or a
25 person with a disability if the accused knew or had reason to
26 know that the elderly person or a person with a disability

1 lacked capacity to consent.

2 (g) Civil Liability. A civil cause of action exists for
3 financial exploitation of an elderly person or a person with a
4 disability as described in subsection (a) of this Section. A
5 person against whom a civil judgment has been entered for
6 financial exploitation of an elderly person or person with a
7 disability shall be liable to the victim or to the estate of
8 the victim in damages of treble the amount of the value of the
9 property obtained, plus reasonable attorney fees and court
10 costs. In a civil action under this subsection, the burden of
11 proof that the defendant committed financial exploitation of an
12 elderly person or a person with a disability as described in
13 subsection (a) of this Section shall be by a preponderance of
14 the evidence. This subsection shall be operative whether or not
15 the defendant has been charged or convicted of the criminal
16 offense as described in subsection (a) of this Section. This
17 subsection (g) shall not limit or affect the right of any
18 person to bring any cause of action or seek any remedy
19 available under the common law, or other applicable law,
20 arising out of the financial exploitation of an elderly person
21 or a person with a disability.

22 (h) If a person is charged with financial exploitation of
23 an elderly person or a person with a disability that involves
24 the taking or loss of property valued at more than \$5,000, a
25 prosecuting attorney may file a petition with the circuit court
26 of the county in which the defendant has been charged to freeze

1 the assets of the defendant in an amount equal to but not
2 greater than the alleged value of lost or stolen property in
3 the defendant's pending criminal proceeding for purposes of
4 restitution to the victim. The burden of proof required to
5 freeze the defendant's assets shall be by a preponderance of
6 the evidence.

7 (Source: P.A. 101-394, eff. 1-1-20.)

8 Section 95. No acceleration or delay. Where this Act makes
9 changes in a statute that is represented in this Act by text
10 that is not yet or no longer in effect (for example, a Section
11 represented by multiple versions), the use of that text does
12 not accelerate or delay the taking effect of (i) the changes
13 made by this Act or (ii) provisions derived from any other
14 Public Act.