



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB2539

Introduced 2/19/2021, by Rep. Denyse Stoneback

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/16-25

Amends the Criminal Code of 2012. Provides that the threshold amount of the property that was the subject of the theft must exceed \$2,000 (rather than \$300) in order to enhance the penalty for retail theft from a Class A misdemeanor to a Class 4 felony or to a higher class of felony. Deletes enhancement of the penalties for retail theft for previous convictions for robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, unlawful use of a credit card, or forgery.

LRB102 10140 RLC 15462 b

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  
5 changing Section 16-25 as follows:

6 (720 ILCS 5/16-25)

7 Sec. 16-25. Retail theft.

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

10 (1) Takes possession of, carries away, transfers or  
11 causes to be carried away or transferred any merchandise  
12 displayed, held, stored or offered for sale in a retail  
13 mercantile establishment with the intention of retaining  
14 such merchandise or with the intention of depriving the  
15 merchant permanently of the possession, use or benefit of  
16 such merchandise without paying the full retail value of  
17 such merchandise; or

18 (2) Alters, transfers, or removes any label, price  
19 tag, marking, indicia of value or any other markings which  
20 aid in determining value affixed to any merchandise  
21 displayed, held, stored or offered for sale in a retail  
22 mercantile establishment and attempts to purchase such  
23 merchandise at less than the full retail value with the

1 intention of depriving the merchant of the full retail  
2 value of such merchandise; or

3 (3) Transfers any merchandise displayed, held, stored  
4 or offered for sale in a retail mercantile establishment  
5 from the container in or on which such merchandise is  
6 displayed to any other container with the intention of  
7 depriving the merchant of the full retail value of such  
8 merchandise; or

9 (4) Under-rings with the intention of depriving the  
10 merchant of the full retail value of the merchandise; or

11 (5) Removes a shopping cart from the premises of a  
12 retail mercantile establishment without the consent of the  
13 merchant given at the time of such removal with the  
14 intention of depriving the merchant permanently of the  
15 possession, use or benefit of such cart; or

16 (6) Represents to a merchant that he, she, or another  
17 is the lawful owner of property, knowing that such  
18 representation is false, and conveys or attempts to convey  
19 that property to a merchant who is the owner of the  
20 property in exchange for money, merchandise credit or  
21 other property of the merchant; or

22 (7) Uses or possesses any theft detection shielding  
23 device or theft detection device remover with the  
24 intention of using such device to deprive the merchant  
25 permanently of the possession, use or benefit of any  
26 merchandise displayed, held, stored or offered for sale in

1 a retail mercantile establishment without paying the full  
2 retail value of such merchandise; or

3 (8) Obtains or exerts unauthorized control over  
4 property of the owner and thereby intends to deprive the  
5 owner permanently of the use or benefit of the property  
6 when a lessee of the personal property of another fails to  
7 return it to the owner, or if the lessee fails to pay the  
8 full retail value of such property to the lessor in  
9 satisfaction of any contractual provision requiring such,  
10 within 10 days after written demand from the owner for its  
11 return. A notice in writing, given after the expiration of  
12 the leasing agreement, by registered mail, to the lessee  
13 at the address given by the lessee and shown on the leasing  
14 agreement shall constitute proper demand.

15 (b) Theft by emergency exit. A person commits theft by  
16 emergency exit when he or she commits a retail theft as defined  
17 in subdivisions (a)(1) through (a)(8) of this Section and to  
18 facilitate the theft he or she leaves the retail mercantile  
19 establishment by use of a designated emergency exit.

20 (c) Permissive inference. If any person:

21 (1) conceals upon his or her person or among his or her  
22 belongings unpurchased merchandise displayed, held, stored  
23 or offered for sale in a retail mercantile establishment;  
24 and

25 (2) removes that merchandise beyond the last known  
26 station for receiving payments for that merchandise in

1           that retail mercantile establishment,  
2           then the trier of fact may infer that the person possessed,  
3           carried away or transferred such merchandise with the  
4           intention of retaining it or with the intention of depriving  
5           the merchant permanently of the possession, use or benefit of  
6           such merchandise without paying the full retail value of such  
7           merchandise.

8           To "conceal" merchandise means that, although there may be  
9           some notice of its presence, that merchandise is not visible  
10          through ordinary observation.

11          (d) Venue. Multiple thefts committed by the same person as  
12          part of a continuing course of conduct in different  
13          jurisdictions that have been aggregated in one jurisdiction  
14          may be prosecuted in any jurisdiction in which one or more of  
15          the thefts occurred.

16          (e) For the purposes of this Section, "theft detection  
17          shielding device" means any laminated or coated bag or device  
18          designed and intended to shield merchandise from detection by  
19          an electronic or magnetic theft alarm sensor.

20          (f) Sentence.

21               (1) A violation of any of subdivisions (a)(1) through  
22               (a)(6) and (a)(8) of this Section, the full retail value  
23               of which does not exceed \$2,000 ~~\$300~~ for property other  
24               than motor fuel or \$150 for motor fuel, is a Class A  
25               misdemeanor. A violation of subdivision (a)(7) of this  
26               Section is a Class A misdemeanor for a first offense and a

1 Class 4 felony for a second or subsequent offense. Theft  
2 by emergency exit of property, the full retail value of  
3 which does not exceed \$2,000 ~~\$300~~, is a Class 4 felony.

4 (2) A person who has been convicted of retail theft of  
5 property under any of subdivisions (a)(1) through (a)(6)  
6 and (a)(8) of this Section, the full retail value of which  
7 does not exceed \$2,000 ~~\$300~~ for property other than motor  
8 fuel or \$150 for motor fuel, and who has been previously  
9 convicted of any type of felony theft, ~~robbery, armed~~  
10 ~~robbery, burglary, residential burglary, possession of~~  
11 ~~burglary tools, home invasion, unlawful use of a credit~~  
12 ~~card, or forgery~~ is guilty of a Class 4 felony. A person  
13 who has been convicted of theft by emergency exit of  
14 property, the full retail value of which does not exceed  
15 \$2,000 ~~\$300~~, and who has been previously convicted of any  
16 type of theft, ~~robbery, armed robbery, burglary,~~  
17 ~~residential burglary, possession of burglary tools, home~~  
18 ~~invasion, unlawful use of a credit card, or forgery~~ is  
19 guilty of a Class 3 felony.

20 (3) Any retail theft of property under any of  
21 subdivisions (a)(1) through (a)(6) and (a)(8) of this  
22 Section, the full retail value of which exceeds \$2,000  
23 ~~\$300~~ for property other than motor fuel or \$150 for motor  
24 fuel in a single transaction, or in separate transactions  
25 committed by the same person as part of a continuing  
26 course of conduct from one or more mercantile

1 establishments over a period of one year, is a Class 3  
2 felony. Theft by emergency exit of property, the full  
3 retail value of which exceeds \$2,000 ~~\$300~~ in a single  
4 transaction, or in separate transactions committed by the  
5 same person as part of a continuing course of conduct from  
6 one or more mercantile establishments over a period of one  
7 year, is a Class 2 felony. When a charge of retail theft of  
8 property or theft by emergency exit of property, the full  
9 value of which exceeds \$2,000 ~~\$300~~, is brought, the value  
10 of the property involved is an element of the offense to be  
11 resolved by the trier of fact as either exceeding or not  
12 exceeding \$2,000 ~~\$300~~.

13 (Source: P.A. 97-597, eff. 1-1-12.)