

1 AN ACT in relation to 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 1961 is amended by  
5 changing Section 16G-15 as follows:

6 (720 ILCS 5/16G-15)

7 Sec. 16G-15. Financial identity theft.

8 (a) A person commits the offense of financial identity  
9 theft when he or she knowingly uses any personal identifying  
10 information or personal identification document of another  
11 person to fraudulently obtain credit, money, goods, services,  
12 or other property.

13 (b) Knowledge shall be determined by an evaluation of  
14 all circumstances surrounding the use of the other person's  
15 identifying information or document.

16 (c) When a charge of financial identity theft of credit,  
17 money, goods, services, or other property exceeding a  
18 specified value is brought the value of the credit, money,  
19 goods, services, or other property is an element of the  
20 offense to be resolved by the trier of fact as either  
21 exceeding or not exceeding the specified value.

22 (d) Sentence.

23 (1) Financial identity theft of credit, money,  
24 goods, services, or other property not exceeding \$2,000  
25 \$300 in value is a Class 4 felony A-misdemeanor. A-person  
26 who-has-been-previously-convicted-of--financial--identity  
27 theft--of--less-than-\$300-who-is-convicted-of-a-second-or  
28 subsequent-offense-of-financial-identity--theft--of--less  
29 than-\$300-is-guilty-of-a-Class-4-felony.-A-person-who-has  
30 been--convicted--of-financial-identity-theft-of-less-than  
31 \$300-who-has-been-previously-convicted--of--any--type--of

1 theft, robbery, armed robbery, burglary, residential  
 2 burglary, possession of burglary tools, home invasion,  
 3 home repair fraud, aggravated home repair fraud, or  
 4 financial exploitation of an elderly or disabled person  
 5 is guilty of a Class 4 felony. When a person has any  
 6 such prior conviction, the information or indictment  
 7 charging that person shall state the prior conviction so  
 8 as to give notice of the State's intention to treat the  
 9 charge as a felony. The fact of the prior conviction is  
 10 not an element of the offense and may not be disclosed to  
 11 the jury during trial unless otherwise permitted by  
 12 issues properly raised during the trial.

13 (2) (Blank). Financial identity theft of credit,  
 14 money, goods, services, or other property exceeding \$300  
 15 and not exceeding \$2,000 in value is a Class 4 felony.

16 (3) Financial identity theft of credit, money,  
 17 goods, services, or other property exceeding \$2,000 and  
 18 not exceeding \$10,000 in value is a Class 3 felony.

19 (4) Financial identity theft of credit, money,  
 20 goods, services, or other property exceeding \$10,000 and  
 21 not exceeding \$100,000 in value is a Class 2 felony.

22 (5) Financial identity theft of credit, money,  
 23 goods, services, or other property exceeding \$100,000 in  
 24 value is a Class 1 felony.

25 (Source: P.A. 91-517, eff. 8-13-99; 92-792, eff. 8-6-02.)

26 Section 99. Effective date. This Act takes effect upon  
 27 becoming law.