

1 AN ACT in relation to retail theft.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Municipal Code is amended by
5 adding Section 11-1-12 as follows:

6 (65 ILCS 5/11-1-12 new)

7 Sec. 11-1-12. Retail theft. The corporate authorities of
8 a municipality may, by ordinance, declare retail theft, as
9 defined by the Criminal Code of 1961, to be unlawful. This
10 ordinance, however, shall not apply to any individual who has
11 previously been convicted of any type of theft, robbery,
12 armed robbery, burglary, residential burglary, possession of
13 burglary tools, or home invasion, or in a case where the
14 theft is of property with a full retail value in excess of
15 \$150. Citations issued for a violation of a retail theft
16 ordinance must be adjudicated in a court of law and are not
17 subject to adjudication in any administrative adjudication
18 system of the municipality that enacted the retail theft
19 ordinance. This Section is not a limitation on home rule
20 powers.

21 Section 10. The Criminal Code of 1961 is amended by
22 changing Section 16A-7 as follows:

23 (720 ILCS 5/16A-7) (from Ch. 38, par. 16A-7)

24 Sec. 16A-7. Civil Liability. (a) A person who commits
25 the offense of retail theft as defined in Section 16A-3
26 paragraphs (a), (b) or (c) of this Code, or Section 11-1-12
27 of the Illinois Municipal Code, shall be civilly liable to
28 the merchant of the merchandise in an amount consisting of:

29 (i) actual damages equal to the full retail value of the

1 merchandise as defined herein; plus

2 (ii) an amount not less than \$100 nor more than \$1,000;
3 plus

4 (iii) attorney's fees and court costs.

5 (b) If a minor commits the offense of retail theft, the
6 parents or guardian of said minor shall be civilly liable as
7 provided in this Section; provided, however that a guardian
8 appointed pursuant to the Juvenile Court Act or the Juvenile
9 Court Act of 1987 shall not be liable under this Section.
10 Total recovery under this Section shall not exceed the
11 maximum recovery permitted under Section 5 of the "Parental
12 Responsibility Law", approved October 6, 1969, as now or
13 hereafter amended.

14 (c) A conviction or a plea of guilty to the offense of
15 retail theft is not a prerequisite to the bringing of a civil
16 suit hereunder.

17 (d) Judgments arising under this Section may be
18 assigned.

19 (Source: P.A. 85-1209.)