

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 Sections 16-1 and 29B-1 as follows:

6 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)  
7 Sec. 16-1. Theft.

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

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

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

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

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

19 (5) Obtains or exerts control over property in the  
20 custody of any law enforcement agency which is explicitly  
21 represented to him by any law enforcement officer or any  
22 individual acting in behalf of a law enforcement agency  
23 as being stolen, and

24 (A) Intends to deprive the owner permanently  
25 of the use or benefit of the property; or

26 (B) Knowingly uses, conceals or abandons the  
27 property in such manner as to deprive the owner  
28 permanently of such use or benefit; or

29 (C) Uses, conceals, or abandons the property  
30 knowing such use, concealment or abandonment  
31 probably will deprive the owner permanently of such

1 use or benefit.

2 (b) Sentence.

3 (1) Theft of property not from the person and not  
4 exceeding \$300 in value is a Class A misdemeanor.

5 (1.1) Theft of property not from the person and not  
6 exceeding \$300 in value is a Class 4 felony if the theft  
7 was committed in a school or place of worship.

8 (2) A person who has been convicted of theft of  
9 property not from the person and not exceeding \$300 in  
10 value who has been previously convicted of any type of  
11 theft, robbery, armed robbery, burglary, residential  
12 burglary, possession of burglary tools, home invasion,  
13 forgery, a violation of Section 4-103, 4-103.1, 4-103.2,  
14 or 4-103.3 of the Illinois Vehicle Code relating to the  
15 possession of a stolen or converted motor vehicle, or a  
16 violation of Section 8 of the Illinois Credit Card and  
17 Debit Card Act is guilty of a Class 4 felony. When a  
18 person has any such prior conviction, the information or  
19 indictment charging that person shall state such prior  
20 conviction so as to give notice of the State's intention  
21 to treat the charge as a felony. The fact of such prior  
22 conviction is not an element of the offense and may not  
23 be disclosed to the jury during trial unless otherwise  
24 permitted by issues properly raised during such trial.

25 (3) (Blank).

26 (4) Theft of property from the person not exceeding  
27 \$300 in value, or theft of property exceeding \$300 and  
28 not exceeding \$10,000 in value, is a Class 3 felony.

29 (4.1) Theft of property from the person not  
30 exceeding \$300 in value, or theft of property exceeding  
31 \$300 and not exceeding \$10,000 in value, is a Class 2  
32 felony if the theft was committed in a school or place of  
33 worship.

34 (5) Theft of property exceeding \$10,000 and not

1 exceeding \$100,000 in value is a Class 2 felony.

2 (5.1) Theft of property exceeding \$10,000 and not  
3 exceeding \$100,000 in value is a Class 1 felony if the  
4 theft was committed in a school or place of worship.

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

7 (6.1) Theft of property exceeding \$100,000 in value  
8 is a Class X felony if the theft was committed in a  
9 school or place of worship.

10 (6.2) Theft of property exceeding \$500,000 in value  
11 is a Class 1 non-probationable felony.

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

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

22 (Source: P.A. 91-118, eff. 1-1-00; 91-360, eff. 7-29-99;  
23 91-544, eff. 1-1-00; 92-16, eff. 6-28-01.)

24 (720 ILCS 5/29B-1) (from Ch. 38, par. 29B-1)

25 Sec. 29B-1. (a) A person commits the offense of money  
26 laundering:

27 (1) when he knowingly engages or attempts to engage  
28 in a financial transaction in criminally derived property  
29 with either the intent to promote the carrying on of the  
30 unlawful activity from which the criminally derived  
31 property was obtained or where he knows or reasonably  
32 should know that the financial transaction is designed in  
33 whole or in part to conceal or disguise the nature, the

1 location, the source, the ownership or the control of the  
2 criminally derived property; or

3 (2) when, with the intent to:

4 (A) promote the carrying on of a specified  
5 criminal activity as defined in this Article; or

6 (B) conceal or disguise the nature, location,  
7 source, ownership, or control of property believed  
8 to be the proceeds of a specified criminal activity  
9 as defined by subdivision (b)(6),

10 he or she conducts or attempts to conduct a financial  
11 transaction involving property he or she believes to be  
12 the proceeds of specified criminal activity as defined by  
13 subdivision (b)(6) or property used to conduct or  
14 facilitate specified criminal activity as defined by  
15 subdivision (b)(6).

16 (b) As used in this Section:

17 (1) "Financial transaction" means a purchase, sale,  
18 loan, pledge, gift, transfer, delivery or other  
19 disposition utilizing criminally derived property, and  
20 with respect to financial institutions, includes a  
21 deposit, withdrawal, transfer between accounts, exchange  
22 of currency, loan, extension of credit, purchase or sale  
23 of any stock, bond, certificate of deposit or other  
24 monetary instrument or any other payment, transfer or  
25 delivery by, through, or to a financial institution. For  
26 purposes of clause (a)(2) of this Section, the term  
27 "financial transaction" also means a transaction which  
28 without regard to whether the funds, monetary  
29 instruments, or real or personal property involved in the  
30 transaction are criminally derived, any transaction which  
31 in any way or degree: (1) involves the movement of funds  
32 by wire or any other means; (2) involves one or more  
33 monetary instruments; or (3) the transfer of title to any  
34 real or personal property. The receipt by an attorney of

1           bona fide fees for the purpose of legal representation is  
2           not a financial transaction for purposes of this Section.

3           (2) "Financial institution" means any bank; saving  
4           and loan association; trust company; agency or branch of  
5           a foreign bank in the United States; currency exchange;  
6           credit union, mortgage banking institution; pawnbroker;  
7           loan or finance company; operator of a credit card  
8           system; issuer, redeemer or cashier of travelers checks,  
9           checks or money orders; dealer in precious metals, stones  
10          or jewels; broker or dealer in securities or commodities;  
11          investment banker; or investment company.

12          (3) "Monetary instrument" means United States coins  
13          and currency; coins and currency of a foreign country;  
14          travelers checks; personal checks, bank checks, and money  
15          orders; investment securities; bearer negotiable  
16          instruments; bearer investment securities; or bearer  
17          securities and certificates of stock in such form that  
18          title thereto passes upon delivery.

19          (4) "Criminally derived property" means: (A) any  
20          property constituting or derived from proceeds obtained,  
21          directly or indirectly, pursuant to a violation of the  
22          Criminal Code of 1961, the Illinois Controlled Substances  
23          Act or the Cannabis Control Act; or (B) any property  
24          represented to be property constituting or derived from  
25          proceeds obtained, directly or indirectly, pursuant to a  
26          violation of this Code, the Illinois Controlled  
27          Substances Act, or the Cannabis Control Act.

28          (5) "Conduct" or "conducts" includes, in addition  
29          to its ordinary meaning, initiating, concluding, or  
30          participating in initiating or concluding a transaction.

31          (6) "Specified criminal activity" means any  
32          violation of Section 20.5-5 (720 ILCS 5/20.5-5) and any  
33          violation of Article 29D of this Code.

34          (c) Sentence.

1           (1) Laundering of criminally derived property of a  
2 value not exceeding \$10,000 is a Class 3 felony;

3           (2) Laundering of criminally derived property of a  
4 value exceeding \$10,000 but not exceeding \$100,000 is a  
5 Class 2 felony;

6           (3) Laundering of criminally derived property of a  
7 value exceeding \$100,000 but not exceeding \$500,000 is a  
8 Class 1 felony;

9           (4) Money laundering in violation of subsection  
10 (a)(2) of this Section is a Class X felony;

11           (5) Laundering of criminally derived property of a  
12 value exceeding \$500,000 is a Class 1 non-probationable  
13 felony.

14 (Source: P.A. 92-854, eff. 12-5-02.)

15           Section 99. Effective date. This Act takes effect upon  
16 becoming law.