



Filed: 2/25/2005

09400HB0692ham001

LRB094 05090 RLC 42008 a

1 AMENDMENT TO HOUSE BILL 692

2 AMENDMENT NO. _____. Amend House Bill 692 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by adding
5 Section 6-205.2 as follows:

6 (625 ILCS 5/6-205.2 new)

7 Sec. 6-205.2. Suspension of driver's license of person
8 convicted of theft of motor fuel. The driver's license of a
9 person convicted of theft of motor fuel under Section 16J-15 of
10 the Criminal Code of 1961 shall be suspended by the Secretary
11 for a period not to exceed 6 months for a first offense. Upon a
12 second or subsequent conviction for theft of motor fuel, the
13 suspension shall be for a period not to exceed one year. Upon
14 conviction of a person for theft of motor fuel, the court shall
15 order the person to surrender his or her driver's license to
16 the clerk of the court who shall forward the suspended license
17 to the Secretary.

18 Section 10. The Criminal Code of 1961 is amended by adding
19 Article 16J as follows:

20 (720 ILCS 5/Art. 16J heading new)

21 ARTICLE 16J. THEFT OF MOTOR FUEL

1 (720 ILCS 5/16J-5 new)

2 Sec. 16J-5. Legislative declaration. It is the public
3 policy of this State that the substantial burden placed upon
4 the economy of this State resulting from the rising incidence
5 of theft of motor fuel is a matter of grave concern to the
6 people of this State who have a right to be protected in their
7 health, safety and welfare from the effects of this crime.

8 (720 ILCS 5/16J-10 new)

9 Sec. 16J-10. Definitions. For the purposes of this Article:
10 "Motor fuel" means a liquid, regardless of its properties,
11 used to propel a vehicle, including gasoline and diesel.

12 "Retailer" means a person, business, or establishment that
13 sells motor fuel at retail.

14 "Vehicle" means a motor vehicle, motorcycle, or farm
15 implement that is self-propelled and that uses motor fuel for
16 propulsion.

17 (720 ILCS 5/16J-15 new)

18 Sec. 16J-15. Offense of theft of motor fuel. A person
19 commits the offense of theft of motor fuel when he or she
20 knowingly dispenses motor fuel into a storage container or the
21 fuel tank of a motor vehicle at an establishment in which motor
22 fuel is offered for retail sale and leaves the premises of the
23 establishment without making payment or the authorized charge
24 for the motor fuel with the intention of depriving the
25 establishment in which the motor fuel is offered for retail
26 sale of the possession, use, or benefit of that motor fuel
27 without paying the full retail value of the motor fuel.

28 (720 ILCS 5/16J-25 new)

29 Sec. 16J-25. Civil liability. A person who commits the
30 offense of theft of motor fuel as described in Section 16J-15
31 is civilly liable to the retailer as prescribed in Section

1 16A-7.

2 (720 ILCS 5/16J-30 new)

3 Sec. 16J-30. Sentence.

4 (a) Theft of motor fuel, the full retail value of which
5 does not exceed \$150, is a Class A misdemeanor.

6 (b) A person who has been convicted of theft of motor fuel,
7 the full retail value of which does not exceed \$150, and who
8 has been previously convicted of any type of theft, robbery,
9 armed robbery, burglary, residential burglary, possession of
10 burglary tools or home invasion is guilty of a Class 4 felony.
11 When a person has any such prior conviction, the information or
12 indictment charging that person shall state such prior
13 conviction so as to give notice of the State's intention to
14 treat the charge as a felony. The fact of such prior conviction
15 is not an element of the offense and may not be disclosed to
16 the jury during trial unless otherwise permitted by issues
17 properly raised during such trial.

18 (c) Any theft of motor fuel, the full retail value of which
19 exceeds \$150, is a Class 3 felony. When a charge of theft of
20 motor fuel, the full value of which exceeds \$150, is brought,
21 the value of the motor fuel involved is an element of the
22 offense to be resolved by the trier of fact as either exceeding
23 or not exceeding \$150.

24 (720 ILCS 5/16J-35 new)

25 Sec. 16J-35. Continuation of prior law. The provisions of
26 this Article insofar as they are the same or substantially the
27 same as those of Article 16 of this Code shall be construed as
28 a continuation of that Article 16 and not as a new enactment.

29 (720 ILCS 5/16J-40 new)

30 Sec. 16J-40. Severability. The provisions of this Article
31 are severable under Section 1.31 of the Statute on Statutes."