



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1236

Introduced 2/15/2007, by Rep. Jil Tracy - Ruth Munson - Franco Coladipietro - Paul D. Froehlich - Brent Hassert, et al.

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/16G-15

Amends the Criminal Code of 1961. Increases the penalties for identity theft by one class when the penalties for the offense are less than a Class X felony if the victim of the offense is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country.

LRB095 04639 RLC 24697 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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 1961 is amended by changing  
5 Section 16G-15 as follows:

6 (720 ILCS 5/16G-15)

7 Sec. 16G-15. Identity theft.

8 (a) A person commits the offense of identity theft when he  
9 or she knowingly:

10 (1) uses any personal identifying information or  
11 personal identification document of another person to  
12 fraudulently obtain credit, money, goods, services, or  
13 other property, or

14 (2) uses any personal identification information or  
15 personal identification document of another with intent to  
16 commit any felony theft or other felony violation of State  
17 law not set forth in paragraph (1) of this subsection (a),  
18 or

19 (3) obtains, records, possesses, sells, transfers,  
20 purchases, or manufactures any personal identification  
21 information or personal identification document of another  
22 with intent to commit or to aid or abet another in  
23 committing any felony theft or other felony violation of

1 State law, or

2 (4) uses, obtains, records, possesses, sells,  
3 transfers, purchases, or manufactures any personal  
4 identification information or personal identification  
5 document of another knowing that such personal  
6 identification information or personal identification  
7 documents were stolen or produced without lawful  
8 authority, or

9 (5) uses, transfers, or possesses document-making  
10 implements to produce false identification or false  
11 documents with knowledge that they will be used by the  
12 person or another to commit any felony theft or other  
13 felony violation of State law, or

14 (6) uses any personal identification information or  
15 personal identification document of another to portray  
16 himself or herself as that person, or otherwise, for the  
17 purpose of gaining access to any personal identification  
18 information or personal identification document of that  
19 person, without the prior express permission of that  
20 person, or

21 (7) uses any personal identification information or  
22 personal identification document of another for the  
23 purpose of gaining access to any record of the actions  
24 taken, communications made or received, or other  
25 activities or transactions of that person, without the  
26 prior express permission of that person.

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

4 (c) When a charge of identity theft of credit, money,  
5 goods, services, or other property exceeding a specified value  
6 is brought the value of the credit, money, goods, services, or  
7 other property is an element of the offense to be resolved by  
8 the trier of fact as either exceeding or not exceeding the  
9 specified value.

10 (d) Sentence.

11 (1) A person convicted of identity theft in violation  
12 of paragraph (1) of subsection (a) shall be sentenced as  
13 follows:

14 (A) Identity ~~identity~~ theft of credit, money,  
15 goods, services, or other property not exceeding \$300  
16 in value is a Class 4 felony. A person who has been  
17 previously convicted of identity theft of less than  
18 \$300 who is convicted of a second or subsequent offense  
19 of identity theft of less than \$300 is guilty of a  
20 Class 3 felony. A person who has been convicted of  
21 identity theft of less than \$300 who has been  
22 previously convicted of any type of theft, robbery,  
23 armed robbery, burglary, residential burglary,  
24 possession of burglary tools, home invasion, home  
25 repair fraud, aggravated home repair fraud, or  
26 financial exploitation of an elderly or disabled

1 person is guilty of a Class 3 felony. Identity theft of  
2 credit, money, goods, services, or other property not  
3 exceeding \$300 in value when the victim of the identity  
4 theft is an active duty member of the Armed Services or  
5 Reserve Forces of the United States or of the Illinois  
6 National Guard serving in a foreign country is a Class  
7 3 felony. A person who has been previously convicted of  
8 identity theft of less than \$300 who is convicted of a  
9 second or subsequent offense of identity theft of less  
10 than \$300 when the victim of the identity theft is an  
11 active duty member of the Armed Services or Reserve  
12 Forces of the United States or of the Illinois National  
13 Guard serving in a foreign country is guilty of a Class  
14 2 felony. A person who has been convicted of identity  
15 theft of less than \$300 when the victim of the identity  
16 theft is an active duty member of the Armed Services or  
17 Reserve Forces of the United States or of the Illinois  
18 National Guard serving in a foreign country who has  
19 been previously convicted of any type of theft,  
20 robbery, armed robbery, burglary, residential  
21 burglary, possession of burglary tools, home invasion,  
22 home repair fraud, aggravated home repair fraud, or  
23 financial exploitation of an elderly or disabled  
24 person is guilty of a Class 2 felony. When a person has  
25 any such prior conviction, the information or  
26 indictment charging that person shall state the prior

1 conviction so as to give notice of the State's  
2 intention to treat the charge as a Class 3 felony. The  
3 fact of the prior conviction is not an element of the  
4 offense and may not be disclosed to the jury during  
5 trial unless otherwise permitted by issues properly  
6 raised during the trial.

7 (B) Identity theft of credit, money, goods,  
8 services, or other property exceeding \$300 and not  
9 exceeding \$2,000 in value is a Class 3 felony. Identity  
10 theft of credit, money, goods, services, or other  
11 property exceeding \$300 and not exceeding \$2,000 in  
12 value when the victim of the identity theft is an  
13 active duty member of the Armed Services or Reserve  
14 Forces of the United States or of the Illinois National  
15 Guard serving in a foreign country is a Class 2 felony.

16 (C) Identity theft of credit, money, goods,  
17 services, or other property exceeding \$2,000 and not  
18 exceeding \$10,000 in value is a Class 2 felony.  
19 Identity theft of credit, money, goods, services, or  
20 other property exceeding \$2,000 and not exceeding  
21 \$10,000 in value when the victim of the identity theft  
22 is an active duty member of the Armed Services or  
23 Reserve Forces of the United States or of the Illinois  
24 National Guard serving in a foreign country is a Class  
25 1 felony.

26 (D) Identity theft of credit, money, goods,

1 services, or other property exceeding \$10,000 and not  
2 exceeding \$100,000 in value is a Class 1 felony.  
3 Identity theft of credit, money, goods, services, or  
4 other property exceeding \$10,000 and not exceeding  
5 \$100,000 in value when the victim of the identity theft  
6 is an active duty member of the Armed Services or  
7 Reserve Forces of the United States or of the Illinois  
8 National Guard serving in a foreign country is a Class  
9 X felony.

10 (E) Identity theft of credit, money, goods,  
11 services, or other property exceeding \$100,000 in  
12 value is a Class X felony.

13 (2) A person convicted of any offense enumerated in  
14 paragraphs (2) through (7) of subsection (a) is guilty of a  
15 Class 3 felony. A person convicted of any offense  
16 enumerated in paragraphs (2) through (7) of subsection (a)  
17 when the victim of the identity theft is an active duty  
18 member of the Armed Services or Reserve Forces of the  
19 United States or of the Illinois National Guard serving in  
20 a foreign country is guilty of a Class 2 felony.

21 (3) A person convicted of any offense enumerated in  
22 paragraphs (2) through (5) of subsection (a) a second or  
23 subsequent time is guilty of a Class 2 felony. A person  
24 convicted of any offense enumerated in paragraphs (2)  
25 through (5) of subsection (a) a second or subsequent time  
26 when the victim of the identity theft is an active duty

1 member of the Armed Services or Reserve Forces of the  
2 United States or of the Illinois National Guard serving in  
3 a foreign country is guilty of a Class 1 felony.

4 (4) A person who, within a 12 month period, is found in  
5 violation of any offense enumerated in paragraphs (2)  
6 through (7) of subsection (a) with respect to the  
7 identifiers of, or other information relating to, 3 or more  
8 separate individuals, at the same time or consecutively, is  
9 guilty of a Class 2 felony. A person who, within a 12 month  
10 period, is found in violation of any offense enumerated in  
11 paragraphs (2) through (7) of subsection (a) with respect  
12 to the identifiers of, or other information relating to, 3  
13 or more separate individuals, at the same time or  
14 consecutively, when the victim of the identity theft is an  
15 active duty member of the Armed Services or Reserve Forces  
16 of the United States or of the Illinois National Guard  
17 serving in a foreign country is guilty of a Class 1 felony.

18 (5) A person convicted of identity theft in violation  
19 of paragraph (2) of subsection (a) who uses any personal  
20 identification information or personal identification  
21 document of another to purchase methamphetamine  
22 manufacturing material as defined in Section 10 of the  
23 Methamphetamine Control and Community Protection Act with  
24 the intent to unlawfully manufacture methamphetamine is  
25 guilty of a Class 2 felony for a first offense and a Class  
26 1 felony for a second or subsequent offense. A person



1 convicted of identity theft in violation of paragraph (2)  
2 of subsection (a) who uses any personal identification  
3 information or personal identification document of another  
4 to purchase methamphetamine manufacturing material as  
5 defined in Section 10 of the Methamphetamine Control and  
6 Community Protection Act with the intent to unlawfully  
7 manufacture methamphetamine when the victim of the  
8 identity theft is an active duty member of the Armed  
9 Services or Reserve Forces of the United States or of the  
10 Illinois National Guard serving in a foreign country is  
11 guilty of a Class 1 felony for a first offense and a Class  
12 X felony for a second or subsequent offense.

13 (Source: P.A. 93-401, eff. 7-31-03; 94-39, eff. 6-16-05;  
14 94-827, eff. 1-1-07; 94-1008, eff. 7-5-06; revised 8-3-06.)