

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.)