



Sen. Ira I. Silverstein

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LRB095 07903 RLC 32946 a

1 AMENDMENT TO SENATE BILL 141

2 AMENDMENT NO. _____. Amend Senate Bill 141 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Section 16G-15 as follows:

6 (720 ILCS 5/16G-15)

7 Sec. 16G-15. Identity theft.

8 (a) A person commits the ~~the~~ offense of identity theft when
9 he 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

1 law not set forth in paragraph (1) of this subsection (a),
2 or

3 (3) obtains, records, possesses, sells, transfers,
4 purchases, or manufactures any personal identification
5 information or personal identification document of another
6 with intent to commit or to aid or abet another in
7 committing any felony theft or other felony violation of
8 State law, or

9 (4) uses, obtains, records, possesses, sells,
10 transfers, purchases, or manufactures any personal
11 identification information or personal identification
12 document of another knowing that such personal
13 identification information or personal identification
14 documents were stolen or produced without lawful
15 authority, or

16 (5) uses, transfers, or possesses document-making
17 implements to produce false identification or false
18 documents with knowledge that they will be used by the
19 person or another to commit any felony theft or other
20 felony violation of State law, or

21 (6) uses any personal identification information or
22 personal identification document of another to portray
23 himself or herself as that person, or otherwise, for the
24 purpose of gaining access to any personal identification
25 information or personal identification document of that
26 person, without the prior express permission of that

1 person, or

2 (7) uses any personal identification information or
3 personal identification document of another for the
4 purpose of gaining access to any record of the actions
5 taken, communications made or received, or other
6 activities or transactions of that person, without the
7 prior express permission of that person.

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

11 (c) When a charge of identity theft of credit, money,
12 goods, services, or other property exceeding a specified value
13 is brought the value of the credit, money, goods, services, or
14 other property is an element of the offense to be resolved by
15 the trier of fact as either exceeding or not exceeding the
16 specified value.

17 (d) Sentence.

18 (1) A person convicted of identity theft in violation
19 of paragraph (1) of subsection (a) shall be sentenced as
20 follows:

21 (A) identity theft of credit, money, goods,
22 services, or other property not exceeding \$300 in value
23 is a Class 4 felony. A person who has been previously
24 convicted of identity theft of less than \$300 who is
25 convicted of a second or subsequent offense of identity
26 theft of less than \$300 is guilty of a Class 3 felony.

1 A person who has been convicted of identity theft of
2 less than \$300 who has been previously convicted of any
3 type of theft, robbery, armed robbery, burglary,
4 residential burglary, possession of burglary tools,
5 home invasion, home repair fraud, aggravated home
6 repair fraud, or financial exploitation of an elderly
7 or disabled person is guilty of a Class 3 felony. When
8 a person has any such prior conviction, the information
9 or indictment charging that person shall state the
10 prior conviction so as to give notice of the State's
11 intention to treat the charge as a Class 3 felony. The
12 fact of the prior conviction is not an element of the
13 offense and may not be disclosed to the jury during
14 trial unless otherwise permitted by issues properly
15 raised during the trial.

16 (B) Identity theft of credit, money, goods,
17 services, or other property exceeding \$300 and not
18 exceeding \$2,000 in value is a Class 3 felony.

19 (C) Identity theft of credit, money, goods,
20 services, or other property exceeding \$2,000 and not
21 exceeding \$10,000 in value is a Class 2 felony.

22 (D) Identity theft of credit, money, goods,
23 services, or other property exceeding \$10,000 and not
24 exceeding \$100,000 in value is a Class 1 felony.

25 (E) Identity theft of credit, money, goods,
26 services, or other property exceeding \$100,000 in

1 value is a Class X felony.

2 (2) A person convicted of any offense enumerated in
3 paragraphs (2) through (7) of subsection (a) is guilty of a
4 Class 3 felony.

5 (3) A person convicted of any offense enumerated in
6 paragraphs (2) through (5) of subsection (a) a second or
7 subsequent time is guilty of a Class 2 felony.

8 (4) A person who, within a 12 month period, is found in
9 violation of any offense enumerated in paragraphs (2)
10 through (7) of subsection (a) with respect to the
11 identifiers of, or other information relating to, 3 or more
12 separate individuals, at the same time or consecutively, is
13 guilty of a Class 2 felony.

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

23 (Source: P.A. 93-401, eff. 7-31-03; 94-39, eff. 6-16-05;
24 94-827, eff. 1-1-07; 94-1008, eff. 7-5-06; revised 8-3-06.)".