

SB1818



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1818

Introduced 2/20/2009, by Sen. John J. Millner

SYNOPSIS AS INTRODUCED:

720 ILCS 5/16-1

from Ch. 38, par. 16-1

720 ILCS 5/16H-60

Amends the Criminal Code of 1961. Provides that theft of property exceeding \$1,000,000 in value is a Class X felony. In the Illinois Financial Crime Law, deletes provision that a financial crime which is loan fraud in connection with a loan secured by residential real estate is a Class 4 felony. Effective immediately.

LRB096 04567 RLC 14622 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 Sections 16-1 and 16H-60 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 the
12 owner; or

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

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

1 (A) Intends to deprive the owner permanently of the
2 use or benefit of the property; or

3 (B) Knowingly uses, conceals or abandons the
4 property in such manner as to deprive the owner
5 permanently of such use or benefit; or

6 (C) Uses, conceals, or abandons the property
7 knowing such use, concealment or abandonment probably
8 will deprive the owner permanently of such use or
9 benefit.

10 (b) Sentence.

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

13 (1.1) Theft of property not from the person and not
14 exceeding \$300 in value is a Class 4 felony if the theft
15 was committed in a school or place of worship or if the
16 theft was of governmental property.

17 (2) A person who has been convicted of theft of
18 property not from the person and not exceeding \$300 in
19 value who has been previously convicted of any type of
20 theft, robbery, armed robbery, burglary, residential
21 burglary, possession of burglary tools, home invasion,
22 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or
23 4-103.3 of the Illinois Vehicle Code relating to the
24 possession of a stolen or converted motor vehicle, or a
25 violation of Section 8 of the Illinois Credit Card and
26 Debit Card Act is guilty of a Class 4 felony. When a person

1 has any such prior conviction, the information or
2 indictment charging that person shall state such prior
3 conviction so as to give notice of the State's intention to
4 treat the charge as a felony. The fact of such prior
5 conviction is not an element of the offense and may not be
6 disclosed to the jury during trial unless otherwise
7 permitted by issues properly raised during such trial.

8 (3) (Blank).

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

12 (4.1) Theft of property from the person not exceeding
13 \$300 in value, or theft of property exceeding \$300 and not
14 exceeding \$10,000 in value, is a Class 2 felony if the
15 theft was committed in a school or place of worship or if
16 the theft was of governmental property.

17 (5) Theft of property exceeding \$10,000 and not
18 exceeding \$100,000 in value is a Class 2 felony.

19 (5.1) Theft of property exceeding \$10,000 and not
20 exceeding \$100,000 in value is a Class 1 felony if the
21 theft was committed in a school or place of worship or if
22 the theft was of governmental property.

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

25 (6.1) Theft of property exceeding \$100,000 in value is
26 a Class X felony if the theft was committed in a school or

1 place of worship or if the theft was of governmental
2 property.

3 (6.2) Theft of property exceeding \$500,000 and not
4 exceeding \$1,000,000 in value is a Class 1
5 non-probationable felony.

6 (6.3) Theft of property exceeding \$1,000,000 in value
7 is a Class X felony.

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

12 (c) When a charge of theft of property exceeding a
13 specified value is brought, the value of the property involved
14 is an element of the offense to be resolved by the trier of
15 fact as either exceeding or not exceeding the specified value.

16 (Source: P.A. 93-520, eff. 8-6-03; 94-134, eff. 1-1-06.)

17 (720 ILCS 5/16H-60)

18 Sec. 16H-60. Sentence.

19 (a) A financial crime, the full value of which does not
20 exceed \$300, is a Class A misdemeanor.

21 (b) A person who has been convicted of a financial crime,
22 the full value of which does not exceed \$300, and who has been
23 previously convicted of a financial crime or any type of theft,
24 robbery, armed robbery, burglary, residential burglary,
25 possession of burglary tools, or home invasion, is guilty of a

1 Class 4 felony. When a person has such prior conviction, the
2 information or indictment charging that person shall state such
3 prior conviction so as to give notice of the State's intention
4 to treat the charge as a felony. The fact of such prior
5 conviction is not an element of the offense and may not be
6 disclosed to the jury during trial unless otherwise permitted
7 by issues properly raised during such trial.

8 (c) A financial crime, the full value of which exceeds \$300
9 but does not exceed \$10,000, is a Class 3 felony. When a charge
10 of financial crime, the full value of which exceeds \$300 but
11 does not exceed \$10,000, is brought, the value of the financial
12 crime involved is an element of the offense to be resolved by
13 the trier of fact as either exceeding or not exceeding \$300.

14 (d) A financial crime, the full value of which exceeds
15 \$10,000 but does not exceed \$100,000, is a Class 2 felony. When
16 a charge of financial crime, the full value of which exceeds
17 \$10,000 but does not exceed \$100,000, is brought, the value of
18 the financial crime involved is an element of the offense to be
19 resolved by the trier of fact as either exceeding or not
20 exceeding \$10,000.

21 (e) A financial crime, the full value of which exceeds
22 \$100,000, is a Class 1 felony. When a charge of financial
23 crime, the full value of which exceeds \$100,000, is brought,
24 the value of the financial crime involved is an element of the
25 offense to be resolved by the trier of fact as either exceeding
26 or not exceeding \$100,000.

1 (f) A financial crime which is a financial institution
2 robbery is a Class 1 felony.

3 (g) A financial crime which is a continuing financial
4 crimes enterprise is a Class 1 felony.

5 (h) A financial crime which is the offense of being an
6 organizer of a continuing financial crimes enterprise is a
7 Class X felony.

8 (i) (Blank). ~~Notwithstanding any other provisions of this~~
9 ~~Section, a financial crime which is loan fraud in connection~~
10 ~~with a loan secured by residential real estate is a Class 4~~
11 ~~felony.~~

12 (Source: P.A. 93-440, eff. 8-5-03.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.