



Sen. John J. Cullerton

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09600SB3797sam001

LRB096 20804 RLC 38931 a

1 AMENDMENT TO SENATE BILL 3797

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3797 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by  
5 changing Sections 16-1, 16A-2.2, 16A-10, 16H-60, and 16J-25 and  
6 by adding Sections 16A-2.14 and 16A-11 as follows:

7 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

8 Sec. 16-1. Theft.

9 (a) A person commits theft when he knowingly:

10 (1) Obtains or exerts unauthorized control over  
11 property of the owner; or

12 (2) Obtains by deception control over property of the  
13 owner; or

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

16 (4) Obtains control over stolen property knowing the

1 property to have been stolen or under such circumstances as  
2 would reasonably induce him to believe that the property  
3 was stolen; or

4 (5) Obtains or exerts control over property in the  
5 custody of any law enforcement agency which is explicitly  
6 represented to him by any law enforcement officer or any  
7 individual acting in behalf of a law enforcement agency as  
8 being stolen, and

9 (A) Intends to deprive the owner permanently of the  
10 use or benefit of the property; or

11 (B) Knowingly uses, conceals or abandons the  
12 property in such manner as to deprive the owner  
13 permanently of such use or benefit; or

14 (C) Uses, conceals, or abandons the property  
15 knowing such use, concealment or abandonment probably  
16 will deprive the owner permanently of such use or  
17 benefit.

18 (b) Sentence.

19 (1) Theft of property not from the person and not  
20 exceeding \$500 ~~\$300~~ in value is a Class A misdemeanor.

21 (1.1) Theft of property not from the person and not  
22 exceeding \$500 ~~\$300~~ in value is a Class 4 felony if the  
23 theft was committed in a school or place of worship or if  
24 the theft was of governmental property.

25 (2) A person who has been convicted of theft of  
26 property not from the person and not exceeding \$500 ~~\$300~~ in

1 value who has been previously convicted of any type of  
2 theft, robbery, armed robbery, burglary, residential  
3 burglary, possession of burglary tools, home invasion,  
4 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or  
5 4-103.3 of the Illinois Vehicle Code relating to the  
6 possession of a stolen or converted motor vehicle, or a  
7 violation of Section 8 of the Illinois Credit Card and  
8 Debit Card Act is guilty of a Class 4 felony. When a person  
9 has any such prior conviction, the information or  
10 indictment charging that person shall state such prior  
11 conviction so as to give notice of the State's intention to  
12 treat the charge as a felony. The fact of such prior  
13 conviction is not an element of the offense and may not be  
14 disclosed to the jury during trial unless otherwise  
15 permitted by issues properly raised during such trial.

16 (3) (Blank).

17 (4) Theft of property from the person not exceeding  
18 \$500 ~~\$300~~ in value, or theft of property exceeding \$500  
19 ~~\$300~~ and not exceeding \$10,000 in value, is a Class 3  
20 felony.

21 (4.1) Theft of property from the person not exceeding  
22 \$500 ~~\$300~~ in value, or theft of property exceeding \$500  
23 ~~\$300~~ and not exceeding \$10,000 in value, is a Class 2  
24 felony if the theft was committed in a school or place of  
25 worship or if the theft was of governmental property.

26 (5) Theft of property exceeding \$10,000 and not

1 exceeding \$100,000 in value is a Class 2 felony.

2 (5.1) Theft of property exceeding \$10,000 and not  
3 exceeding \$100,000 in value is a Class 1 felony if the  
4 theft was committed in a school or place of worship or if  
5 the theft was of governmental property.

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

8 (6.1) Theft of property exceeding \$100,000 in value is  
9 a Class X felony if the theft was committed in a school or  
10 place of worship or if the theft was of governmental  
11 property.

12 (6.2) Theft of property exceeding \$500,000 and not  
13 exceeding \$1,000,000 in value is a Class 1  
14 non-probationable felony.

15 (6.3) Theft of property exceeding \$1,000,000 in value  
16 is a Class X felony.

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

21 (8) Theft by deception, as described by paragraph (2)  
22 of subsection (a) of this Section, in which the offender  
23 falsely poses as a landlord or agent or employee of the  
24 landlord and obtains a rent payment or a security deposit  
25 from a tenant is a Class 3 felony if the rent payment or  
26 security deposit obtained does not exceed \$500 ~~\$300~~.

1           (9) Theft by deception, as described by paragraph (2)  
2 of subsection (a) of this Section, in which the offender  
3 falsely poses as a landlord or agent or employee of the  
4 landlord and obtains a rent payment or a security deposit  
5 from a tenant is a Class 2 felony if the rent payment or  
6 security deposit obtained exceeds \$500 ~~\$300~~ and does not  
7 exceed \$10,000.

8           (10) Theft by deception, as described by paragraph (2)  
9 of subsection (a) of this Section, in which the offender  
10 falsely poses as a landlord or agent or employee of the  
11 landlord and obtains a rent payment or a security deposit  
12 from a tenant is a Class 1 felony if the rent payment or  
13 security deposit obtained exceeds \$10,000 and does not  
14 exceed \$100,000.

15           (11) Theft by deception, as described by paragraph (2)  
16 of subsection (a) of this Section, in which the offender  
17 falsely poses as a landlord or agent or employee of the  
18 landlord and obtains a rent payment or a security deposit  
19 from a tenant is a Class X felony if the rent payment or  
20 security deposit obtained exceeds \$100,000.

21           (c) When a charge of theft of property exceeding a  
22 specified value is brought, the value of the property involved  
23 is an element of the offense to be resolved by the trier of  
24 fact as either exceeding or not exceeding the specified value.

25           (Source: P.A. 96-496, eff. 1-1-10; 96-534, eff. 8-14-09;  
26 revised 10-9-09.)

1 (720 ILCS 5/16A-2.2) (from Ch. 38, par. 16A-2.2)

2 Sec. 16A-2.2. "Full retail value ~~Retail Value~~" means the  
3 merchant's stated or advertised price of the merchandise. "Full  
4 retail value" includes the aggregate value of property obtained  
5 from retail thefts committed by the same person as part of a  
6 continuing course of conduct from one or more mercantile  
7 establishments in a single transaction or in separate  
8 transactions over a period of one year.

9 (Source: P.A. 79-840.)

10 (720 ILCS 5/16A-2.14 new)

11 Sec. 16A-2.14. Continuing course of conduct. "Continuing  
12 course of conduct" means a series of acts, and the accompanying  
13 mental state necessary for the crime in question, irrespective  
14 of whether the series of acts are continuous or intermittent.

15 (720 ILCS 5/16A-10) (from Ch. 38, par. 16A-10)

16 Sec. 16A-10. Sentence.

17 (1) Retail theft of property, the full retail value of  
18 which does not exceed \$300 ~~\$150~~, is a Class A misdemeanor.  
19 Theft by emergency exit of property, the full retail value of  
20 which does not exceed \$300 ~~\$150~~, is a Class 4 felony.

21 (2) A person who has been convicted of retail theft of  
22 property, the full retail value of which does not exceed \$300  
23 ~~\$150~~, and who has been previously convicted of any type of

1 theft, robbery, armed robbery, burglary, residential burglary,  
2 possession of burglary tools or home invasion is guilty of a  
3 Class 4 felony. A person who has been convicted of theft by  
4 emergency exit of property, the full retail value of which does  
5 not exceed \$300 ~~\$150~~, and who has been previously convicted of  
6 any type of theft, robbery, armed robbery, burglary,  
7 residential burglary, possession of burglary tools or home  
8 invasion is guilty of a Class 3 felony. When a person has any  
9 such prior conviction, the information or indictment charging  
10 that person shall state such prior conviction so as to give  
11 notice of the State's intention to treat the charge of retail  
12 theft as a felony. The fact of such prior conviction is not an  
13 element of the offense and may not be disclosed to the jury  
14 during trial unless otherwise permitted by issues properly  
15 raised during such trial.

16 (3) Any retail theft of property, the full retail value of  
17 which exceeds \$300 in a single transaction, or in separate  
18 transactions committed by the same person as part of a  
19 continuing course of conduct from one or more mercantile  
20 establishments over a period of one year ~~\$150~~, is a Class 3  
21 felony. Theft by emergency exit of property, the full retail  
22 value of which exceeds \$300 in a single transaction, or in  
23 separate transactions committed by the same person as part of a  
24 continuing course of conduct from one or more mercantile  
25 establishments over a period of one year ~~\$150~~, is a Class 2  
26 felony. When a charge of retail theft of property or theft by

1 emergency exit of property, the full value of which exceeds  
2 \$300 ~~\$150~~, is brought, the value of the property involved is an  
3 element of the offense to be resolved by the trier of fact as  
4 either exceeding or not exceeding \$300 ~~\$150~~.

5 (Source: P.A. 94-449, eff. 8-4-05.)

6 (720 ILCS 5/16A-11 new)

7 Sec. 16A-11. Venue. Multiple thefts committed by the same  
8 person as part of a continuing course of conduct in different  
9 jurisdictions that have been aggregated in one jurisdiction may  
10 be prosecuted in any jurisdiction in which one or more of the  
11 thefts occurred.

12 (720 ILCS 5/16H-60)

13 Sec. 16H-60. Sentence.

14 (a) A financial crime, the full value of which does not  
15 exceed \$500 ~~\$300~~, is a Class A misdemeanor.

16 (b) A person who has been convicted of a financial crime,  
17 the full value of which does not exceed \$500 ~~\$300~~, and who has  
18 been previously convicted of a financial crime or any type of  
19 theft, robbery, armed robbery, burglary, residential burglary,  
20 possession of burglary tools, or home invasion, is guilty of a  
21 Class 4 felony. When a person has such prior conviction, the  
22 information or indictment charging that person shall state such  
23 prior conviction so as to give notice of the State's intention  
24 to treat the charge as a felony. The fact of such prior



1 conviction is not an element of the offense and may not be  
2 disclosed to the jury during trial unless otherwise permitted  
3 by issues properly raised during such trial.

4 (c) A financial crime, the full value of which exceeds \$500  
5 ~~\$300~~ but does not exceed \$10,000, is a Class 3 felony. When a  
6 charge of financial crime, the full value of which exceeds \$500  
7 ~~\$300~~ but does not exceed \$10,000, is brought, the value of the  
8 financial crime involved is an element of the offense to be  
9 resolved by the trier of fact as either exceeding or not  
10 exceeding \$500 ~~\$300~~.

11 (d) A financial crime, the full value of which exceeds  
12 \$10,000 but does not exceed \$100,000, is a Class 2 felony. When  
13 a charge of financial crime, the full value of which exceeds  
14 \$10,000 but does not exceed \$100,000, is brought, the value of  
15 the financial crime involved is an element of the offense to be  
16 resolved by the trier of fact as either exceeding or not  
17 exceeding \$10,000.

18 (e) A financial crime, the full value of which exceeds  
19 \$100,000, is a Class 1 felony. When a charge of financial  
20 crime, the full value of which exceeds \$100,000, is brought,  
21 the value of the financial crime involved is an element of the  
22 offense to be resolved by the trier of fact as either exceeding  
23 or not exceeding \$100,000.

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

26 (g) A financial crime which is a continuing financial

1 crimes enterprise is a Class 1 felony.

2 (h) A financial crime which is the offense of being an  
3 organizer of a continuing financial crimes enterprise is a  
4 Class X felony.

5 (i) (Blank).

6 (Source: P.A. 96-534, eff. 8-14-09.)

7 (720 ILCS 5/16J-25)

8 Sec. 16J-25. Sentence. A violation of this Article is a  
9 Class 4 felony if the full retail value of the stolen property  
10 or property obtained by deception does not exceed \$300 ~~\$150~~. A  
11 violation of this Article is a Class 2 felony if the full  
12 retail value of the stolen property or property obtained by  
13 deception exceeds \$300 ~~\$150~~.

14 (Source: P.A. 94-179, eff. 7-12-05; 95-331, eff. 8-21-07.)

15 Section 10. The Telephone Charge Fraud Act is amended by  
16 changing Section 1 as follows:

17 (720 ILCS 365/1) (from Ch. 134, par. 15c)

18 Sec. 1. Any individual, corporation, or other person, who,  
19 with intent to defraud or to aid and abet another to defraud  
20 any individual, corporation, or other person, of the lawful  
21 charge, in whole or in part, for any telecommunications  
22 service, shall obtain, or attempt to obtain, or aid and abet  
23 another to obtain or to attempt to obtain, any

1 telecommunications service:

2 (a) by charging such service to an existing telephone  
3 number or credit card number without the authority of the  
4 subscriber thereto or the legitimate holder thereof, or,

5 (b) charging such service to a nonexistent, false,  
6 fictitious, or counterfeit telephone number or credit card  
7 number or to a suspended, terminated, expired, cancelled, or  
8 revoked telephone number or credit card number, or,

9 (c) by use of a code, prearranged scheme, or other similar  
10 stratagem or device whereby said person, in effect, sends or  
11 receives information, or,

12 (d) by installing, rearranging, or tampering with any  
13 facilities or equipment, whether physically, inductively,  
14 acoustically, electronically, or,

15 (e) by publishing the number or code of an existing,  
16 canceled, revoked or nonexistent telephone number, credit  
17 number or other credit device or method of numbering or coding  
18 which is employed in the issuance of telephone numbers, credit  
19 numbers or other credit devices which may be used to avoid the  
20 payment of any lawful telephone toll charge, or,

21 (f) by publishing plans, diagrams or methods for the  
22 construction, assembly or usage of any device, instrument or  
23 gadget which may be used to avoid the payment of any lawful  
24 telephone toll charge, or,

25 (g) by any other trick, stratagem, impersonation, false  
26 pretense, false representation, false statement, contrivance,

1 device, or means, shall be deemed guilty of a Class A  
2 Misdemeanor; provided, however, that (a) a second conviction of  
3 an offense under this Section, (b) commission of an offense for  
4 remuneration, or (c) an offense involving the defrauding of  
5 services in excess of \$500 ~~\$300~~ is a Class 4 felony.

6 As used in this Section "publish" means the communication  
7 or dissemination of information to any one or more persons,  
8 either orally, in person, or by telephone, radio or television  
9 or in writing of any kind, including, without limitation, a  
10 letter or memorandum, circular or handbill, newspaper or  
11 magazine article or book.

12 (Source: P.A. 88-75.)".