



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB6175

Introduced 2/11/2016, by Rep. Ron Sandack

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/1-6	from Ch. 38, par. 1-6
720 ILCS 5/3-6	from Ch. 38, par. 3-6
720 ILCS 5/16-1	from Ch. 38, par. 16-1
720 ILCS 5/17-56	was 720 ILCS 5/16-1.3

Amends the Criminal Code of 2012. Provides that a person who commits the offense of financial exploitation of an elderly person or a person with a disability may be tried in any one of the following counties in which: (1) any part of the offense occurred; or (2) the victim or one of the victims reside. Provides that a prosecution for the offense of financial exploitation of an elderly person or a person with a disability may be commenced within 7 years of the last act committed in furtherance of the crime (rather than 3 years after commission of the offense). Provides that theft by deception in which the offender obtained money or property valued at \$5,000 or more from a person with a disability is a Class 2 felony.

LRB099 18957 RLC 43346 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 2012 is amended by changing  
5 Sections 1-6, 3-6, 16-1, and 17-56 as follows:

6 (720 ILCS 5/1-6) (from Ch. 38, par. 1-6)

7 Sec. 1-6. Place of trial.

8 (a) Generally.

9 Criminal actions shall be tried in the county where the  
10 offense was committed, except as otherwise provided by law. The  
11 State is not required to prove during trial that the alleged  
12 offense occurred in any particular county in this State. When a  
13 defendant contests the place of trial under this Section, all  
14 proceedings regarding this issue shall be conducted under  
15 Section 114-1 of the Code of Criminal Procedure of 1963. All  
16 objections of improper place of trial are waived by a defendant  
17 unless made before trial.

18 (b) Assailant and Victim in Different Counties.

19 If a person committing an offense upon the person of  
20 another is located in one county and his victim is located in  
21 another county at the time of the commission of the offense,  
22 trial may be had in either of said counties.

23 (c) Death and Cause of Death in Different Places or

1 Undetermined.

2 If cause of death is inflicted in one county and death  
3 ensues in another county, the offender may be tried in either  
4 county. If neither the county in which the cause of death was  
5 inflicted nor the county in which death ensued are known before  
6 trial, the offender may be tried in the county where the body  
7 was found.

8 (d) Offense Commenced Outside the State.

9 If the commission of an offense commenced outside the State  
10 is consummated within this State, the offender shall be tried  
11 in the county where the offense is consummated.

12 (e) Offenses Committed in Bordering Navigable Waters.

13 If an offense is committed on any of the navigable waters  
14 bordering on this State, the offender may be tried in any  
15 county adjacent to such navigable water.

16 (f) Offenses Committed while in Transit.

17 If an offense is committed upon any railroad car, vehicle,  
18 watercraft or aircraft passing within this State, and it cannot  
19 readily be determined in which county the offense was  
20 committed, the offender may be tried in any county through  
21 which such railroad car, vehicle, watercraft or aircraft has  
22 passed.

23 (g) Theft.

24 A person who commits theft of property may be tried in any  
25 county in which he exerted control over such property.

26 (h) Bigamy.

1           A person who commits the offense of bigamy may be tried in  
2 any county where the bigamous marriage or bigamous cohabitation  
3 has occurred.

4           (i) Kidnaping.

5           A person who commits the offense of kidnaping may be tried  
6 in any county in which his victim has traveled or has been  
7 confined during the course of the offense.

8           (j) Pandering.

9           A person who commits the offense of pandering as set forth  
10 in subdivision (a) (2) (A) or (a) (2) (B) of Section 11-14.3 may be  
11 tried in any county in which the prostitution was practiced or  
12 in any county in which any act in furtherance of the offense  
13 shall have been committed.

14           (k) Treason.

15           A person who commits the offense of treason may be tried in  
16 any county.

17           (l) Criminal Defamation.

18           If criminal defamation is spoken, printed or written in one  
19 county and is received or circulated in another or other  
20 counties, the offender shall be tried in the county where the  
21 defamation is spoken, printed or written. If the defamation is  
22 spoken, printed or written outside this state, or the offender  
23 resides outside this state, the offender may be tried in any  
24 county in this state in which the defamation was circulated or  
25 received.

26           (m) Inchoate Offenses.

1 A person who commits an inchoate offense may be tried in  
2 any county in which any act which is an element of the offense,  
3 including the agreement in conspiracy, is committed.

4 (n) Accountability for Conduct of Another.

5 Where a person in one county solicits, aids, abets, agrees,  
6 or attempts to aid another in the planning or commission of an  
7 offense in another county, he may be tried for the offense in  
8 either county.

9 (o) Child Abduction.

10 A person who commits the offense of child abduction may be  
11 tried in any county in which his victim has traveled, been  
12 detained, concealed or removed to during the course of the  
13 offense. Notwithstanding the foregoing, unless for good cause  
14 shown, the preferred place of trial shall be the county of the  
15 residence of the lawful custodian.

16 (p) A person who commits the offense of narcotics  
17 racketeering may be tried in any county where cannabis or a  
18 controlled substance which is the basis for the charge of  
19 narcotics racketeering was used; acquired; transferred or  
20 distributed to, from or through; or any county where any act  
21 was performed to further the use; acquisition, transfer or  
22 distribution of said cannabis or controlled substance; any  
23 money, property, property interest, or any other asset  
24 generated by narcotics activities was acquired, used, sold,  
25 transferred or distributed to, from or through; or, any  
26 enterprise interest obtained as a result of narcotics

1 racketeering was acquired, used, transferred or distributed  
2 to, from or through, or where any activity was conducted by the  
3 enterprise or any conduct to further the interests of such an  
4 enterprise.

5 (q) A person who commits the offense of money laundering  
6 may be tried in any county where any part of a financial  
7 transaction in criminally derived property took place or in any  
8 county where any money or monetary instrument which is the  
9 basis for the offense was acquired, used, sold, transferred or  
10 distributed to, from or through.

11 (r) A person who commits the offense of cannabis  
12 trafficking or controlled substance trafficking may be tried in  
13 any county.

14 (s) A person who commits the offense of online sale of  
15 stolen property, online theft by deception, or electronic  
16 fencing may be tried in any county where any one or more  
17 elements of the offense took place, regardless of whether the  
18 element of the offense was the result of acts by the accused,  
19 the victim or by another person, and regardless of whether the  
20 defendant was ever physically present within the boundaries of  
21 the county.

22 (t) A person who commits the offense of identity theft or  
23 aggravated identity theft may be tried in any one of the  
24 following counties in which: (1) the offense occurred; (2) the  
25 information used to commit the offense was illegally used; or  
26 (3) the victim resides.

1           If a person is charged with more than one violation of  
2 identity theft or aggravated identity theft and those  
3 violations may be tried in more than one county, any of those  
4 counties is a proper venue for all of the violations.

5           (u) Financial Exploitation of an Elderly Person or a Person  
6 with a Disability.

7           A person who commits the offense of financial exploitation  
8 of an elderly person or a person with a disability under  
9 Section 17-56 may be tried in any one of the following counties  
10 in which: (1) any part of the offense occurred; or (2) the  
11 victim or one of the victims reside.

12           (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

13           (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

14           Sec. 3-6. Extended limitations. The period within which a  
15 prosecution must be commenced under the provisions of Section  
16 3-5 or other applicable statute is extended under the following  
17 conditions:

18           (a) A prosecution for theft involving a breach of a  
19 fiduciary obligation to the aggrieved person may be commenced  
20 as follows:

21           (1) If the aggrieved person is a minor or a person  
22 under legal disability, then during the minority or legal  
23 disability or within one year after the termination  
24 thereof.

25           (2) In any other instance, within one year after the

1 discovery of the offense by an aggrieved person, or by a  
2 person who has legal capacity to represent an aggrieved  
3 person or has a legal duty to report the offense, and is  
4 not himself or herself a party to the offense; or in the  
5 absence of such discovery, within one year after the proper  
6 prosecuting officer becomes aware of the offense. However,  
7 in no such case is the period of limitation so extended  
8 more than 3 years beyond the expiration of the period  
9 otherwise applicable.

10 (b) A prosecution for any offense based upon misconduct in  
11 office by a public officer or employee may be commenced within  
12 one year after discovery of the offense by a person having a  
13 legal duty to report such offense, or in the absence of such  
14 discovery, within one year after the proper prosecuting officer  
15 becomes aware of the offense. However, in no such case is the  
16 period of limitation so extended more than 3 years beyond the  
17 expiration of the period otherwise applicable.

18 (b-5) When the victim is under 18 years of age at the time  
19 of the offense, a prosecution for involuntary servitude,  
20 involuntary sexual servitude of a minor, or trafficking in  
21 persons and related offenses under Section 10-9 of this Code  
22 may be commenced within one year of the victim attaining the  
23 age of 18 years. However, in no such case shall the time period  
24 for prosecution expire sooner than 3 years after the commission  
25 of the offense.

26 (c) (Blank).



1 (d) A prosecution for child pornography, aggravated child  
2 pornography, indecent solicitation of a child, soliciting for a  
3 juvenile prostitute, juvenile pimping, exploitation of a  
4 child, or promoting juvenile prostitution except for keeping a  
5 place of juvenile prostitution may be commenced within one year  
6 of the victim attaining the age of 18 years. However, in no  
7 such case shall the time period for prosecution expire sooner  
8 than 3 years after the commission of the offense. When the  
9 victim is under 18 years of age, a prosecution for criminal  
10 sexual abuse may be commenced within one year of the victim  
11 attaining the age of 18 years. However, in no such case shall  
12 the time period for prosecution expire sooner than 3 years  
13 after the commission of the offense.

14 (e) Except as otherwise provided in subdivision (j), a  
15 prosecution for any offense involving sexual conduct or sexual  
16 penetration, as defined in Section 11-0.1 of this Code, where  
17 the defendant was within a professional or fiduciary  
18 relationship or a purported professional or fiduciary  
19 relationship with the victim at the time of the commission of  
20 the offense may be commenced within one year after the  
21 discovery of the offense by the victim.

22 (f) A prosecution for any offense set forth in Section 44  
23 of the "Environmental Protection Act", approved June 29, 1970,  
24 as amended, may be commenced within 5 years after the discovery  
25 of such an offense by a person or agency having the legal duty  
26 to report the offense or in the absence of such discovery,

1 within 5 years after the proper prosecuting officer becomes  
2 aware of the offense.

3 (f-5) A prosecution for any offense set forth in Section  
4 16-30 of this Code may be commenced within 5 years after the  
5 discovery of the offense by the victim of that offense.

6 (g) (Blank).

7 (h) (Blank).

8 (i) Except as otherwise provided in subdivision (j), a  
9 prosecution for criminal sexual assault, aggravated criminal  
10 sexual assault, or aggravated criminal sexual abuse may be  
11 commenced within 10 years of the commission of the offense if  
12 the victim reported the offense to law enforcement authorities  
13 within 3 years after the commission of the offense.

14 Nothing in this subdivision (i) shall be construed to  
15 shorten a period within which a prosecution must be commenced  
16 under any other provision of this Section.

17 (i-5) A prosecution for armed robbery, home invasion,  
18 kidnapping, or aggravated kidnaping may be commenced within 10  
19 years of the commission of the offense if it arises out of the  
20 same course of conduct and meets the criteria under one of the  
21 offenses in subsection (i) of this Section.

22 (j) (1) When the victim is under 18 years of age at the  
23 time of the offense, a prosecution for criminal sexual assault,  
24 aggravated criminal sexual assault, predatory criminal sexual  
25 assault of a child, aggravated criminal sexual abuse, or felony  
26 criminal sexual abuse may be commenced at any time when

1 corroborating physical evidence is available or an individual  
2 who is required to report an alleged or suspected commission of  
3 any of these offenses under the Abused and Neglected Child  
4 Reporting Act fails to do so.

5 (2) In circumstances other than as described in paragraph  
6 (1) of this subsection (j), when the victim is under 18 years  
7 of age at the time of the offense, a prosecution for criminal  
8 sexual assault, aggravated criminal sexual assault, predatory  
9 criminal sexual assault of a child, aggravated criminal sexual  
10 abuse, or felony criminal sexual abuse, or a prosecution for  
11 failure of a person who is required to report an alleged or  
12 suspected commission of any of these offenses under the Abused  
13 and Neglected Child Reporting Act may be commenced within 20  
14 years after the child victim attains 18 years of age.

15 (3) When the victim is under 18 years of age at the time of  
16 the offense, a prosecution for misdemeanor criminal sexual  
17 abuse may be commenced within 10 years after the child victim  
18 attains 18 years of age.

19 (4) Nothing in this subdivision (j) shall be construed to  
20 shorten a period within which a prosecution must be commenced  
21 under any other provision of this Section.

22 (j-5) A prosecution for armed robbery, home invasion,  
23 kidnapping, or aggravated kidnaping may be commenced at any  
24 time if it arises out of the same course of conduct and meets  
25 the criteria under one of the offenses in subsection (j) of  
26 this Section.

1 (k) A prosecution for theft involving real property  
2 exceeding \$100,000 in value under Section 16-1, identity theft  
3 under subsection (a) of Section 16-30, aggravated identity  
4 theft under subsection (b) of Section 16-30, financial  
5 exploitation of an elderly person or a person with a disability  
6 under Section 17-56, or any offense set forth in Article 16H or  
7 Section 17-10.6 may be commenced within 7 years of the last act  
8 committed in furtherance of the crime.

9 (l) A prosecution for any offense set forth in Section 26-4  
10 of this Code may be commenced within one year after the  
11 discovery of the offense by the victim of that offense.

12 (Source: P.A. 98-293, eff. 1-1-14; 98-379, eff. 1-1-14; 98-756,  
13 eff. 7-16-14; 99-234, eff. 8-3-15.)

14 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

15 Sec. 16-1. Theft.

16 (a) A person commits theft when he or she knowingly:

17 (1) Obtains or exerts unauthorized control over  
18 property of the owner; or

19 (2) Obtains by deception control over property of the  
20 owner; or

21 (3) Obtains by threat control over property of the  
22 owner; or

23 (4) Obtains control over stolen property knowing the  
24 property to have been stolen or under such circumstances as  
25 would reasonably induce him or her to believe that the

1 property was stolen; or

2 (5) Obtains or exerts control over property in the  
3 custody of any law enforcement agency which any law  
4 enforcement officer or any individual acting in behalf of a  
5 law enforcement agency explicitly represents to the person  
6 as being stolen or represents to the person such  
7 circumstances as would reasonably induce the person to  
8 believe that the property was 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 in value is a Class A misdemeanor.

21 (1.1) Theft of property not from the person and not  
22 exceeding \$500 in value is a Class 4 felony if the theft  
23 was committed in a school or place of worship or if the  
24 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 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 17-36 of the Criminal Code of 1961 or  
8 the Criminal Code of 2012, or Section 8 of the Illinois  
9 Credit Card and Debit Card Act is guilty of a Class 4  
10 felony.

11 (3) (Blank).

12 (4) Theft of property from the person not exceeding  
13 \$500 in value, or theft of property exceeding \$500 and not  
14 exceeding \$10,000 in value, is a Class 3 felony.

15 (4.1) Theft of property from the person not exceeding  
16 \$500 in value, or theft of property exceeding \$500 and not  
17 exceeding \$10,000 in value, is a Class 2 felony if the  
18 theft was committed in a school or place of worship or if  
19 the theft was of governmental property.

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

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

26 (6) Theft of property exceeding \$100,000 and not

1 exceeding \$500,000 in value is a Class 1 felony.

2 (6.1) Theft of property exceeding \$100,000 in value is  
3 a Class X felony if the theft was committed in a school or  
4 place of worship or if the theft was of governmental  
5 property.

6 (6.2) Theft of property exceeding \$500,000 and not  
7 exceeding \$1,000,000 in value is a Class 1  
8 non-probationable felony.

9 (6.3) Theft of property exceeding \$1,000,000 in value  
10 is a Class X felony.

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

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

22 (9) Theft by deception, as described by paragraph (2)  
23 of subsection (a) of this Section, in which the offender  
24 falsely poses as a landlord or agent or employee of the  
25 landlord and obtains a rent payment or a security deposit  
26 from a tenant is a Class 2 felony if the rent payment or

1 security deposit obtained exceeds \$500 and does not exceed  
2 \$10,000.

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

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

16 (c) When a charge of theft of property exceeding a  
17 specified value is brought, the value of the property involved  
18 is an element of the offense to be resolved by the trier of  
19 fact as either exceeding or not exceeding the specified value.

20 (d) Theft by lessee; permissive inference. The trier of  
21 fact may infer evidence that a person intends to deprive the  
22 owner permanently of the use or benefit of the property (1) if  
23 a lessee of the personal property of another fails to return it  
24 to the owner within 10 days after written demand from the owner  
25 for its return or (2) if a lessee of the personal property of  
26 another fails to return it to the owner within 24 hours after



1 written demand from the owner for its return and the lessee had  
2 presented identification to the owner that contained a  
3 materially fictitious name, address, or telephone number. A  
4 notice in writing, given after the expiration of the leasing  
5 agreement, addressed and mailed, by registered mail, to the  
6 lessee at the address given by him and shown on the leasing  
7 agreement shall constitute proper demand.

8 (e) Permissive inference; evidence of intent that a person  
9 obtains by deception control over property. The trier of fact  
10 may infer that a person "knowingly obtains by deception control  
11 over property of the owner" when he or she fails to return,  
12 within 45 days after written demand from the owner, the  
13 downpayment and any additional payments accepted under a  
14 promise, oral or in writing, to perform services for the owner  
15 for consideration of \$3,000 or more, and the promisor knowingly  
16 without good cause failed to substantially perform pursuant to  
17 the agreement after taking a down payment of 10% or more of the  
18 agreed upon consideration. This provision shall not apply where  
19 the owner initiated the suspension of performance under the  
20 agreement, or where the promisor responds to the notice within  
21 the 45-day notice period. A notice in writing, addressed and  
22 mailed, by registered mail, to the promisor at the last known  
23 address of the promisor, shall constitute proper demand.

24 (f) Offender's interest in the property.

25 (1) It is no defense to a charge of theft of property  
26 that the offender has an interest therein, when the owner

1 also has an interest to which the offender is not entitled.

2 (2) Where the property involved is that of the  
3 offender's spouse, no prosecution for theft may be  
4 maintained unless the parties were not living together as  
5 man and wife and were living in separate abodes at the time  
6 of the alleged theft.

7 (Source: P.A. 96-496, eff. 1-1-10; 96-534, eff. 8-14-09;  
8 96-1000, eff. 7-2-10; 96-1301, eff. 1-1-11; 96-1532, eff.  
9 1-1-12; 96-1551, eff. 7-1-11; 97-597, eff. 1-1-12; 97-1150,  
10 eff. 1-25-13.)

11 (720 ILCS 5/17-56) (was 720 ILCS 5/16-1.3)

12 Sec. 17-56. Financial exploitation of an elderly person or  
13 a person with a disability.

14 (a) A person commits financial exploitation of an elderly  
15 person or a person with a disability when he or she stands in a  
16 position of trust or confidence with the elderly person or a  
17 person with a disability and he or she knowingly:

18 (1) ~~and~~ by deception or intimidation obtains control  
19 over the property of an elderly person or a person with a  
20 disability; or

21 (2) illegally uses the assets or resources of an  
22 elderly person or a person with a disability.

23 (b) Sentence. Financial exploitation of an elderly person  
24 or a person with a disability is: (1) a Class 4 felony if the  
25 value of the property is \$300 or less, (2) a Class 3 felony if

1 the value of the property is more than \$300 but less than  
2 \$5,000, (3) a Class 2 felony if the value of the property is  
3 \$5,000 or more but less than \$50,000, and (4) a Class 1 felony  
4 if the value of the property is \$50,000 or more or if the  
5 elderly person is over 70 years of age and the value of the  
6 property is \$15,000 or more or if the elderly person is 80  
7 years of age or older and the value of the property is \$5,000  
8 or more.

9 (c) For purposes of this Section:

10 (1) "Elderly person" means a person 60 years of age or  
11 older.

12 (2) "Person with a disability" means a person who  
13 suffers from a physical or mental impairment resulting from  
14 disease, injury, functional disorder or congenital  
15 condition that impairs the individual's mental or physical  
16 ability to independently manage his or her property or  
17 financial resources, or both.

18 (3) "Intimidation" means the communication to an  
19 elderly person or a person with a disability that he or she  
20 shall be deprived of food and nutrition, shelter,  
21 prescribed medication or medical care and treatment or  
22 conduct as provided in Section 12-6 of this Code.

23 (4) "Deception" means, in addition to its meaning as  
24 defined in Section 15-4 of this Code, a misrepresentation  
25 or concealment of material fact relating to the terms of a  
26 contract or agreement entered into with the elderly person

1 or person with a disability or to the existing or  
2 pre-existing condition of any of the property involved in  
3 such contract or agreement; or the use or employment of any  
4 misrepresentation, false pretense or false promise in  
5 order to induce, encourage or solicit the elderly person or  
6 person with a disability to enter into a contract or  
7 agreement.

8 The illegal use of the assets or resources of an elderly  
9 person or a person with a disability includes, but is not  
10 limited to, the misappropriation of those assets or resources  
11 by undue influence, breach of a fiduciary relationship, fraud,  
12 deception, extortion, or use of the assets or resources  
13 contrary to law.

14 A person stands in a position of trust and confidence with  
15 an elderly person or person with a disability when he (i) is a  
16 parent, spouse, adult child or other relative by blood or  
17 marriage of the elderly person or person with a disability,  
18 (ii) is a joint tenant or tenant in common with the elderly  
19 person or person with a disability, (iii) has a legal or  
20 fiduciary relationship with the elderly person or person with a  
21 disability, (iv) is a financial planning or investment  
22 professional, or (v) is a paid or unpaid caregiver for the  
23 elderly person or person with a disability.

24 (d) Limitations. Nothing in this Section shall be construed  
25 to limit the remedies available to the victim under the  
26 Illinois Domestic Violence Act of 1986.

1           (e) Good faith efforts. Nothing in this Section shall be  
2 construed to impose criminal liability on a person who has made  
3 a good faith effort to assist the elderly person or person with  
4 a disability in the management of his or her property, but  
5 through no fault of his or her own has been unable to provide  
6 such assistance.

7           (f) Not a defense. It shall not be a defense to financial  
8 exploitation of an elderly person or person with a disability  
9 that the accused reasonably believed that the victim was not an  
10 elderly person or person with a disability.

11           (g) Civil Liability. A civil cause of action exists for  
12 financial exploitation of an elderly person or a person with a  
13 disability as described in subsection (a) of this Section. A  
14 person against whom a civil judgment has been entered for  
15 financial exploitation of an elderly person or person with a  
16 disability shall be liable to the victim or to the estate of  
17 the victim in damages of treble the amount of the value of the  
18 property obtained, plus reasonable attorney fees and court  
19 costs. In a civil action under this subsection, the burden of  
20 proof that the defendant committed financial exploitation of an  
21 elderly person or a person with a disability as described in  
22 subsection (a) of this Section shall be by a preponderance of  
23 the evidence. This subsection shall be operative whether or not  
24 the defendant has been charged or convicted of the criminal  
25 offense as described in subsection (a) of this Section. This  
26 subsection (g) shall not limit or affect the right of any

1 person to bring any cause of action or seek any remedy  
2 available under the common law, or other applicable law,  
3 arising out of the financial exploitation of an elderly person  
4 or a person with a disability.

5 (h) If a person is charged with financial exploitation of  
6 an elderly person or a person with a disability that involves  
7 the taking or loss of property valued at more than \$5,000, a  
8 prosecuting attorney may file a petition with the circuit court  
9 of the county in which the defendant has been charged to freeze  
10 the assets of the defendant in an amount equal to but not  
11 greater than the alleged value of lost or stolen property in  
12 the defendant's pending criminal proceeding for purposes of  
13 restitution to the victim. The burden of proof required to  
14 freeze the defendant's assets shall be by a preponderance of  
15 the evidence.

16 (Source: P.A. 99-272, eff. 1-1-16.)