



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5125

by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

720 ILCS 5/16-1

from Ch. 38, par. 16-1

Amends the Criminal Code of 2012. Provides that theft of property that is delivered either by United States mail or an express company, common carrier, or contract carrier and left on the stoop or porch of a residence is a Class 4 felony. Defines "stoop or porch of a residence".

LRB100 18630 RLC 33855 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 Section 16-1 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 or she 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 or her to believe that the
18 property was stolen; or

19 (5) Obtains or exerts control over property in the
20 custody of any law enforcement agency which any law
21 enforcement officer or any individual acting in behalf of a
22 law enforcement agency explicitly represents to the person
23 as being stolen or represents to the person such

1 circumstances as would reasonably induce the person to
2 believe that the property was stolen, and

3 (A) Intends to deprive the owner permanently of the
4 use or benefit of the property; or

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

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

12 (b) Sentence.

13 (1) Theft of property not from the person and not
14 exceeding \$500 in value is a Class A misdemeanor.

15 (1.1) Theft of property not from the person and not
16 exceeding \$500 in value is a Class 4 felony if the theft
17 was committed in a school or place of worship or if the
18 theft was of governmental property.

19 (2) A person who has been convicted of theft of
20 property not from the person and not exceeding \$500 in
21 value who has been previously convicted of any type of
22 theft, robbery, armed robbery, burglary, residential
23 burglary, possession of burglary tools, home invasion,
24 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or
25 4-103.3 of the Illinois Vehicle Code relating to the
26 possession of a stolen or converted motor vehicle, or a

1 violation of Section 17-36 of the Criminal Code of 1961 or
2 the Criminal Code of 2012, or Section 8 of the Illinois
3 Credit Card and Debit Card Act is guilty of a Class 4
4 felony.

5 (3) (Blank).

6 (4) Theft of property from the person not exceeding
7 \$500 in value, or theft of property exceeding \$500 and not
8 exceeding \$10,000 in value, is a Class 3 felony.

9 (4.1) Theft of property from the person not exceeding
10 \$500 in value, or theft of property exceeding \$500 and not
11 exceeding \$10,000 in value, is a Class 2 felony if the
12 theft was committed in a school or place of worship or if
13 the theft was of governmental property.

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

16 (5.1) Theft of property exceeding \$10,000 and not
17 exceeding \$100,000 in value is a Class 1 felony if the
18 theft was committed in a school or place of worship or if
19 the theft was of governmental property.

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

22 (6.1) Theft of property exceeding \$100,000 in value is
23 a Class X felony if the theft was committed in a school or
24 place of worship or if the theft was of governmental
25 property.

26 (6.2) Theft of property exceeding \$500,000 and not

1 exceeding \$1,000,000 in value is a Class 1
2 non-probationable felony.

3 (6.3) Theft of property exceeding \$1,000,000 in value
4 is a Class X felony.

5 (6.4) Theft of property that is delivered either by
6 United States mail or an express company, common carrier,
7 or contract carrier and left on the stoop or porch of a
8 residence is a Class 4 felony. As used in this paragraph
9 (6.4), "stoop or porch of a residence" means an area in
10 which a package is left until the owner or occupier of the
11 residence takes possession of the package and includes the
12 area in which an occupant of an apartment dwelling takes
13 delivery of a left package.

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

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

24 (9) Theft by deception, as described by paragraph (2)
25 of subsection (a) of this Section, in which the offender
26 falsely poses as a landlord or agent or employee of the

1 landlord and obtains a rent payment or a security deposit
2 from a tenant is a Class 2 felony if the rent payment or
3 security deposit obtained exceeds \$500 and does not exceed
4 \$10,000.

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

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

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

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

1 for its return or (2) if a lessee of the personal property of
2 another fails to return it to the owner within 24 hours after
3 written demand from the owner for its return and the lessee had
4 presented identification to the owner that contained a
5 materially fictitious name, address, or telephone number. A
6 notice in writing, given after the expiration of the leasing
7 agreement, addressed and mailed, by registered mail, to the
8 lessee at the address given by him and shown on the leasing
9 agreement shall constitute proper demand.

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

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

1 (1) It is no defense to a charge of theft of property
2 that the offender has an interest therein, when the owner
3 also has an interest to which the offender is not entitled.

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

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