

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 16-30 as follows:

6 (720 ILCS 5/16-30)

7 Sec. 16-30. Identity theft; aggravated identity theft.

8 (a) A person commits identity theft when he or she
9 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;

14 (2) uses any personal identifying ~~identification~~
15 information or personal identification document of another
16 with intent to commit any felony not set forth in paragraph
17 (1) of this subsection (a);

18 (3) obtains, records, possesses, sells, transfers,
19 purchases, or manufactures any personal identifying
20 ~~identification~~ information or personal identification
21 document of another with intent to commit any felony;

22 (4) uses, obtains, records, possesses, sells,
23 transfers, purchases, or manufactures any personal

1 identifying ~~identification~~ information or personal
2 identification document of another knowing that such
3 personal identifying ~~identification~~ information or
4 personal identification documents were stolen or produced
5 without lawful authority;

6 (5) uses, transfers, or possesses document-making
7 implements to produce false identification or false
8 documents with knowledge that they will be used by the
9 person or another to commit any felony;

10 (6) uses any personal identifying ~~identification~~
11 information or personal identification document of another
12 to portray himself or herself as that person, or otherwise,
13 for the purpose of gaining access to any personal
14 identifying ~~identification~~ information or personal
15 identification document of that person, without the prior
16 express permission of that person;

17 (7) uses any personal identifying ~~identification~~
18 information or personal identification document of another
19 for the purpose of gaining access to any record of the
20 actions taken, communications made or received, or other
21 activities or transactions of that person, without the
22 prior express permission of that person;

23 (7.5) uses, possesses, or transfers a radio frequency
24 identification device capable of obtaining or processing
25 personal identifying information from a radio frequency
26 identification (RFID) tag or transponder with knowledge

1 that the device will be used by the person or another to
2 commit a felony violation of State law or any violation of
3 this Article; or

4 (8) in the course of applying for a building permit
5 with a unit of local government, provides the license
6 number of a roofing or fire sprinkler contractor whom he or
7 she does not intend to have perform the work on the roofing
8 or fire sprinkler portion of the project; it is an
9 affirmative defense to prosecution under this paragraph
10 (8) that the building permit applicant promptly informed
11 the unit of local government that issued the building
12 permit of any change in the roofing or fire sprinkler
13 contractor.

14 (b) Aggravated identity theft. A person commits aggravated
15 identity theft when he or she commits identity theft as set
16 forth in subsection (a) of this Section:

17 (1) against a person 60 years of age or older or a
18 person with a disability; or

19 (2) in furtherance of the activities of an organized
20 gang.

21 A defense to aggravated identity theft does not exist
22 merely because the accused reasonably believed the victim to be
23 a person less than 60 years of age. For the purposes of this
24 subsection, "organized gang" has the meaning ascribed in
25 Section 10 of the Illinois Streetgang Terrorism Omnibus
26 Prevention Act.

1 (c) Knowledge shall be determined by an evaluation of all
2 circumstances surrounding the use of the other person's
3 identifying information or document.

4 (d) When a charge of identity theft or aggravated identity
5 theft of credit, money, goods, services, or other property
6 exceeding a specified value is brought, the value of the
7 credit, money, goods, services, or other property is an element
8 of the offense to be resolved by the trier of fact as either
9 exceeding or not exceeding the specified value.

10 (e) Sentence.

11 (1) Identity theft.

12 (A) A person convicted of identity theft in
13 violation of paragraph (1) of subsection (a) shall be
14 sentenced as follows:

15 (i) Identity theft of credit, money, goods,
16 services, or other property not exceeding \$300 in
17 value is a Class 4 felony. A person who has been
18 previously convicted of identity theft of less
19 than \$300 who is convicted of a second or
20 subsequent offense of identity theft of less than
21 \$300 is guilty of a Class 3 felony. A person who
22 has been convicted of identity theft of less than
23 \$300 who has been previously convicted of any type
24 of theft, robbery, armed robbery, burglary,
25 residential burglary, possession of burglary
26 tools, home invasion, home repair fraud,

1 aggravated home repair fraud, or financial
2 exploitation of an elderly person or person with a
3 disability is guilty of a Class 3 felony. Identity
4 theft of credit, money, goods, services, or other
5 property not exceeding \$300 in value when the
6 victim of the identity theft is an active duty
7 member of the Armed Services or Reserve Forces of
8 the United States or of the Illinois National Guard
9 serving in a foreign country is a Class 3 felony. A
10 person who has been previously convicted of
11 identity theft of less than \$300 who is convicted
12 of a second or subsequent offense of identity theft
13 of less than \$300 when the victim of the identity
14 theft is an active duty member of the Armed
15 Services or Reserve Forces of the United States or
16 of the Illinois National Guard serving in a foreign
17 country is guilty of a Class 2 felony. A person who
18 has been convicted of identity theft of less than
19 \$300 when the victim of the identity theft is an
20 active duty member of the Armed Services or Reserve
21 Forces of the United States or of the Illinois
22 National Guard serving in a foreign country who has
23 been previously convicted of any type of theft,
24 robbery, armed robbery, burglary, residential
25 burglary, possession of burglary tools, home
26 invasion, home repair fraud, aggravated home

1 repair fraud, or financial exploitation of an
2 elderly person or person with a disability is
3 guilty of a Class 2 felony.

4 (ii) Identity theft of credit, money, goods,
5 services, or other property exceeding \$300 and not
6 exceeding \$2,000 in value is a Class 3 felony.
7 Identity theft of credit, money, goods, services,
8 or other property exceeding \$300 and not exceeding
9 \$2,000 in value when the victim of the identity
10 theft is an active duty member of the Armed
11 Services or Reserve Forces of the United States or
12 of the Illinois National Guard serving in a foreign
13 country is a Class 2 felony.

14 (iii) Identity theft of credit, money, goods,
15 services, or other property exceeding \$2,000 and
16 not exceeding \$10,000 in value is a Class 2 felony.
17 Identity theft of credit, money, goods, services,
18 or other property exceeding \$2,000 and not
19 exceeding \$10,000 in value when the victim of the
20 identity theft is an active duty member of the
21 Armed Services or Reserve Forces of the United
22 States or of the Illinois National Guard serving in
23 a foreign country is a Class 1 felony.

24 (iv) Identity theft of credit, money, goods,
25 services, or other property exceeding \$10,000 and
26 not exceeding \$100,000 in value is a Class 1

1 felony. Identity theft of credit, money, goods,
2 services, or other property exceeding \$10,000 and
3 not exceeding \$100,000 in value when the victim of
4 the identity theft is an active duty member of the
5 Armed Services or Reserve Forces of the United
6 States or of the Illinois National Guard serving in
7 a foreign country is a Class X felony.

8 (v) Identity theft of credit, money, goods,
9 services, or other property exceeding \$100,000 in
10 value is a Class X felony.

11 (B) A person convicted of any offense enumerated in
12 paragraphs (2) through (7.5) of subsection (a) is
13 guilty of a Class 3 felony. A person convicted of any
14 offense enumerated in paragraphs (2) through (7.5) of
15 subsection (a) when the victim of the identity theft is
16 an active duty member of the Armed Services or Reserve
17 Forces of the United States or of the Illinois National
18 Guard serving in a foreign country is guilty of a Class
19 2 felony.

20 (C) A person convicted of any offense enumerated in
21 paragraphs (2) through (5) and (7.5) of subsection (a)
22 a second or subsequent time is guilty of a Class 2
23 felony. A person convicted of any offense enumerated in
24 paragraphs (2) through (5) and (7.5) of subsection (a)
25 a second or subsequent time when the victim of the
26 identity theft is an active duty member of the Armed

1 Services or Reserve Forces of the United States or of
2 the Illinois National Guard serving in a foreign
3 country is guilty of a Class 1 felony.

4 (D) A person who, within a 12-month period, is
5 found in violation of any offense enumerated in
6 paragraphs (2) through (7.5) of subsection (a) with
7 respect to the identifiers of, or other information
8 relating to, 3 or more separate individuals, at the
9 same time or consecutively, is guilty of a Class 2
10 felony. A person who, within a 12-month period, is
11 found in violation of any offense enumerated in
12 paragraphs (2) through (7.5) of subsection (a) with
13 respect to the identifiers of, or other information
14 relating to, 3 or more separate individuals, at the
15 same time or consecutively, when the victim of the
16 identity theft is an active duty member of the Armed
17 Services or Reserve Forces of the United States or of
18 the Illinois National Guard serving in a foreign
19 country is guilty of a Class 1 felony.

20 (E) A person convicted of identity theft in
21 violation of paragraph (2) of subsection (a) who uses
22 any personal identifying ~~identification~~ information or
23 personal identification document of another to
24 purchase methamphetamine manufacturing material as
25 defined in Section 10 of the Methamphetamine Control
26 and Community Protection Act with the intent to

1 unlawfully manufacture methamphetamine is guilty of a
2 Class 2 felony for a first offense and a Class 1 felony
3 for a second or subsequent offense. A person convicted
4 of identity theft in violation of paragraph (2) of
5 subsection (a) who uses any personal identifying
6 ~~identification~~ information or personal identification
7 document of another to purchase methamphetamine
8 manufacturing material as defined in Section 10 of the
9 Methamphetamine Control and Community Protection Act
10 with the intent to unlawfully manufacture
11 methamphetamine when the victim of the identity theft
12 is an active duty member of the Armed Services or
13 Reserve Forces of the United States or of the Illinois
14 National Guard serving in a foreign country is guilty
15 of a Class 1 felony for a first offense and a Class X
16 felony for a second or subsequent offense.

17 (F) A person convicted of identity theft in
18 violation of paragraph (8) of subsection (a) of this
19 Section is guilty of a Class 4 felony.

20 (2) Aggravated identity theft.

21 (A) Aggravated identity theft of credit, money,
22 goods, services, or other property not exceeding \$300
23 in value is a Class 3 felony.

24 (B) Aggravated identity theft of credit, money,
25 goods, services, or other property exceeding \$300 and
26 not exceeding \$10,000 in value is a Class 2 felony.

1 (C) Aggravated identity theft of credit, money,
2 goods, services, or other property exceeding \$10,000
3 in value and not exceeding \$100,000 in value is a Class
4 1 felony.

5 (D) Aggravated identity theft of credit, money,
6 goods, services, or other property exceeding \$100,000
7 in value is a Class X felony.

8 (E) Aggravated identity theft for a violation of
9 any offense enumerated in paragraphs (2) through (7.5)
10 of subsection (a) of this Section is a Class 2 felony.

11 (F) Aggravated identity theft when a person who,
12 within a 12-month period, is found in violation of any
13 offense enumerated in paragraphs (2) through (7.5) of
14 subsection (a) of this Section with identifiers of, or
15 other information relating to, 3 or more separate
16 individuals, at the same time or consecutively, is a
17 Class 1 felony.

18 (G) A person who has been previously convicted of
19 aggravated identity theft regardless of the value of
20 the property involved who is convicted of a second or
21 subsequent offense of aggravated identity theft
22 regardless of the value of the property involved is
23 guilty of a Class X felony.

24 (Source: P.A. 99-143, eff. 7-27-15.)