

# HB5377



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5377

Introduced 1/31/2022, by Rep. Daniel Didech

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/16-1

from Ch. 38, par. 16-1

Amends the Criminal Code of 2012. Provides that theft of a companion animal not exceeding \$500 in value is a Class 4 felony. Defines "companion animal".

LRB102 24980 RLC 34235 b

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  
5 changing 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  
17 as 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  
22 a law enforcement agency explicitly represents to the  
23 person 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  
4 the 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,  
25 or 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 (3.1) Theft of a companion animal not exceeding \$500  
7 in value is a Class 4 felony. For purposes of this  
8 paragraph, "companion animal" has the meaning provided in  
9 Section 2.01a of the Humane Care for Animals Act.

10 (4) Theft of property from the person not exceeding  
11 \$500 in value, or theft of property exceeding \$500 and not  
12 exceeding \$10,000 in value, is a Class 3 felony.

13 (4.1) Theft of property from the person not exceeding  
14 \$500 in value, or theft of property exceeding \$500 and not  
15 exceeding \$10,000 in value, is a Class 2 felony if the  
16 theft was committed in a school or place of worship or if  
17 the theft was of governmental property.

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

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

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

26 (6.1) Theft of property exceeding \$100,000 in value is

1 a Class X felony if the theft was committed in a school or  
2 place of worship or if the theft was of governmental  
3 property.

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

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

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

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

20 (9) Theft by deception, as described by paragraph (2)  
21 of subsection (a) of this Section, in which the offender  
22 falsely poses as a landlord or agent or employee of the  
23 landlord and obtains a rent payment or a security deposit  
24 from a tenant is a Class 2 felony if the rent payment or  
25 security deposit obtained exceeds \$500 and does not exceed  
26 \$10,000.

1           (10) 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 1 felony if the rent payment or  
6           security deposit obtained exceeds \$10,000 and does not  
7           exceed \$100,000.

8           (11) 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 X felony if the rent payment or  
13          security deposit obtained exceeds \$100,000.

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

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

1 materially fictitious name, address, or telephone number. A  
2 notice in writing, given after the expiration of the leasing  
3 agreement, addressed and mailed, by registered mail, to the  
4 lessee at the address given by him and shown on the leasing  
5 agreement shall constitute proper demand.

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

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

24 (1) It is no defense to a charge of theft of property  
25 that the offender has an interest therein, when the owner  
26 also has an interest to which the offender is not

1 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. 101-394, eff. 1-1-20.)