

HB3454



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3454

Introduced 2/17/2023, by Rep. Matt Hanson

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".

LRB103 25991 RLC 52345 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. As used in this paragraph,
8 "companion animal" has the meaning provided in Section
9 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.)