



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0880

Introduced 2/2/2005, by Rep. Careen M Gordon

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/16A-2.14 new

720 ILCS 5/16A-3.5 new

720 ILCS 5/16A-10

from Ch. 38, par. 16A-10

Amends the Criminal Code of 1961. Creates the offense of organized retail theft. Provides that a person commits the offense when he or she either: (1) with the aid or assistance of another person commits the offense of retail theft of property, the full retail value of which exceeds \$650 during any 180-day period and takes or causes that merchandise subject to the retail theft to be moved to or placed in the control of a retail property fence with the intent of monetary or other gain; or (2) receives, possesses, conceals, stores, barter, sells, or disposes of with the intent to distribute, any merchandise that has been taken or stolen in violation of this provision, with the intent to distribute the proceeds, or to otherwise promote, manage, carry on, or facilitate a retail theft or an organized retail theft. Provides that a person who commits organized retail theft shall forfeit to the State any proceeds obtained from the sale or disposition of merchandise obtained from the violation. Provides that a violation is a Class 2 felony. Effective immediately.

LRB094 05275 RLC 35318 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

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 1961 is amended by changing  
5 Section 16A-10 and by adding Sections 16A-2.14 and 16A-3.5 as  
6 follows:

7 (720 ILCS 5/16A-2.14 new)

8 Sec. 16A-2.14. Retail property fence. "Retail property  
9 fence" means a person or business that buys merchandise knowing  
10 or believing that the merchandise is stolen.

11 (720 ILCS 5/16A-3.5 new)

12 Sec. 16A-3.5. Organized retail theft.

13 (a) A person commits the offense of organized retail theft  
14 when he or she either:

15 (1) with the aid or assistance of another person  
16 commits the offense of retail theft of property, the full  
17 retail value of which exceeds \$650 during any 180-day  
18 period and takes or causes that merchandise subject to the  
19 retail theft to be moved to or placed in the control of a  
20 retail property fence with the intent of monetary or other  
21 gain; or

22 (2) receives, possesses, conceals, stores, barter,  
23 sells, or disposes of with the intent to distribute, any  
24 merchandise that has been taken or stolen in violation of  
25 this Section, with the intent to distribute the proceeds,  
26 or to otherwise promote, manage, carry on, or facilitate a  
27 retail theft or an organized retail theft.

28 (b) It is not a defense to a violation of paragraph (2) of  
29 subsection (a) of this Section that the merchandise was  
30 obtained by means other than through the commission of retail  
31 theft if the merchandise was explicitly represented to the

1 defendant as being obtained through the commission of retail  
2 theft.

3 (c) A person who commits organized retail theft may be  
4 tried in any county in which any act that is an element of the  
5 offense is committed.

6 (d) A person who violates this Section shall forfeit to the  
7 State any proceeds obtained from the sale or disposition of  
8 merchandise obtained in violation of this Section.

9 (720 ILCS 5/16A-10) (from Ch. 38, par. 16A-10)

10 Sec. 16A-10. Sentence. (1) Retail theft of property, the  
11 full retail value of which does not exceed \$150, is a Class A  
12 misdemeanor.

13 (2) A person who has been convicted of retail theft of  
14 property, the full retail value of which does not exceed \$150,  
15 and who has been previously convicted of any type of theft,  
16 robbery, armed robbery, burglary, residential burglary,  
17 possession of burglary tools or home invasion is guilty of a  
18 Class 4 felony. When a person has any such prior conviction,  
19 the information or indictment charging that person shall state  
20 such prior conviction so as to give notice of the State's  
21 intention to treat the charge as a felony. The fact of such  
22 prior conviction is not an element of the offense and may not  
23 be disclosed to the jury during trial unless otherwise  
24 permitted by issues properly raised during such trial.

25 (3) Any retail theft of property, the full retail value of  
26 which exceeds \$150, is a Class 3 felony. Organized retail theft  
27 is a Class 2 felony. When a charge of retail theft of property,  
28 the full value of which exceeds \$150, is brought, the value of  
29 the property involved is an element of the offense to be  
30 resolved by the trier of fact as either exceeding or not  
31 exceeding \$150.

32 (Source: P.A. 85-691.)

33 Section 99. Effective date. This Act takes effect upon  
34 becoming law.