

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.