



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

**HB1434**

Introduced 2/10/2005, by Rep. Milton Patterson

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/15-10 new  
720 ILCS 5/16-1

from Ch. 38, par. 16-1

Amends the Criminal Code of 1961. For the purposes of property offenses, defines "governmental property" as funds or other property owned by the State, a unit of local government, or a school district. Provides for enhanced penalties for theft of governmental property. Establishes the same penalties for this offense as the penalties for theft committed in a school or place of worship.

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CORRECTIONAL  
BUDGET AND  
IMPACT 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 16-1 and by adding Section 15-10 as follows:

6 (720 ILCS 5/15-10 new)

7 Sec. 15-10. Governmental property. As used in this Part C,  
8 "governmental property" means funds or other property owned by  
9 the State, a unit of local government, or a school district.

10 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

11 Sec. 16-1. Theft.

12 (a) A person commits theft when he knowingly:

13 (1) Obtains or exerts unauthorized control over  
14 property of the owner; or

15 (2) Obtains by deception control over property of the  
16 owner; or

17 (3) Obtains by threat control over property of the  
18 owner; or

19 (4) Obtains control over stolen property knowing the  
20 property to have been stolen or under such circumstances as  
21 would reasonably induce him to believe that the property  
22 was stolen; or

23 (5) Obtains or exerts control over property in the  
24 custody of any law enforcement agency which is explicitly  
25 represented to him by any law enforcement officer or any  
26 individual acting in behalf of a law enforcement agency as  
27 being stolen, and

28 (A) Intends to deprive the owner permanently of the  
29 use or benefit of the property; or

30 (B) Knowingly uses, conceals or abandons the  
31 property in such manner as to deprive the owner

1 permanently of such use or benefit; or

2 (C) Uses, conceals, or abandons the property  
3 knowing such use, concealment or abandonment probably  
4 will deprive the owner permanently of such use or  
5 benefit.

6 (b) Sentence.

7 (1) Theft of property not from the person and not  
8 exceeding \$300 in value is a Class A misdemeanor.

9 (1.1) Theft of property not from the person and not  
10 exceeding \$300 in value is a Class 4 felony if the theft  
11 was committed in a school or place of worship or if the  
12 theft was of governmental property.

13 (2) A person who has been convicted of theft of  
14 property not from the person and not exceeding \$300 in  
15 value who has been previously convicted of any type of  
16 theft, robbery, armed robbery, burglary, residential  
17 burglary, possession of burglary tools, home invasion,  
18 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or  
19 4-103.3 of the Illinois Vehicle Code relating to the  
20 possession of a stolen or converted motor vehicle, or a  
21 violation of Section 8 of the Illinois Credit Card and  
22 Debit Card Act is guilty of a Class 4 felony. When a person  
23 has any such prior conviction, the information or  
24 indictment charging that person shall state such prior  
25 conviction so as to give notice of the State's intention to  
26 treat the charge as a felony. The fact of such prior  
27 conviction is not an element of the offense and may not be  
28 disclosed to the jury during trial unless otherwise  
29 permitted by issues properly raised during such trial.

30 (3) (Blank).

31 (4) Theft of property from the person not exceeding  
32 \$300 in value, or theft of property exceeding \$300 and not  
33 exceeding \$10,000 in value, is a Class 3 felony.

34 (4.1) Theft of property from the person not exceeding  
35 \$300 in value, or theft of property exceeding \$300 and not  
36 exceeding \$10,000 in value, is a Class 2 felony if the

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

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

5 (5.1) Theft of property exceeding \$10,000 and not  
6 exceeding \$100,000 in value is a Class 1 felony if the  
7 theft was committed in a school or place of worship or if  
8 the theft was of governmental property.

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

11 (6.1) Theft of property exceeding \$100,000 in value is  
12 a Class X felony if the theft was committed in a school or  
13 place of worship or if the theft was of governmental  
14 property.

15 (6.2) Theft of property exceeding \$500,000 in value is  
16 a Class 1 non-probationable felony.

17 (7) Theft by deception, as described by paragraph (2)  
18 of subsection (a) of this Section, in which the offender  
19 obtained money or property valued at \$5,000 or more from a  
20 victim 60 years of age or older is a Class 2 felony.

21 (c) When a charge of theft of property exceeding a  
22 specified value is brought, the value of the property involved  
23 is an element of the offense to be resolved by the trier of  
24 fact as either exceeding or not exceeding the specified value.

25 (Source: P.A. 92-16, eff. 6-28-01; 93-520, eff. 8-6-03.)