

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 Sections 16G-15 and 16G-20 as follows:

6 (720 ILCS 5/16G-15)

7 Sec. 16G-15. Identity theft.

8 (a) A person commits the offense of identity theft when he
9 or she knowingly:

10 (1) uses any personal identifying information or
11 personal identification document of another person to
12 fraudulently obtain credit, money, goods, services, or
13 other property, or

14 (2) uses any personal identification information or
15 personal identification document of another with intent to
16 commit any felony theft or other felony violation of State
17 law not set forth in paragraph (1) of this subsection (a),
18 or

19 (3) obtains, records, possesses, sells, transfers,
20 purchases, or manufactures any personal identification
21 information or personal identification document of another
22 with intent to commit or to aid or abet another in
23 committing any felony theft or other felony violation of
24 State law, or

25 (4) uses, obtains, records, possesses, sells,
26 transfers, purchases, or manufactures any personal
27 identification information or personal identification
28 document of another knowing that such personal
29 identification information or personal identification
30 documents were stolen or produced without lawful
31 authority, or

32 (5) uses, transfers, or possesses document-making

1 implements to produce false identification or false
2 documents with knowledge that they will be used by the
3 person or another to commit any felony theft or other
4 felony violation of State law.

5 (b) Knowledge shall be determined by an evaluation of all
6 circumstances surrounding the use of the other person's
7 identifying information or document.

8 (c) When a charge of identity theft of credit, money,
9 goods, services, or other property exceeding a specified value
10 is brought the value of the credit, money, goods, services, or
11 other property is an element of the offense to be resolved by
12 the trier of fact as either exceeding or not exceeding the
13 specified value.

14 (d) Sentence.

15 (1) A person convicted of identity theft in violation
16 of paragraph (1) of subsection (a) shall be sentenced as
17 follows:

18 (A) identity theft of credit, money, goods,
19 services, or other property not exceeding \$300 in value
20 is a Class 4 felony ~~A misdemeanor~~. A person who has
21 been previously convicted of identity theft of less
22 than \$300 who is convicted of a second or subsequent
23 offense of identity theft of less than \$300 is guilty
24 of a Class 3 ~~4~~ felony. A person who has been convicted
25 of identity theft of less than \$300 who has been
26 previously convicted of any type of theft, robbery,
27 armed robbery, burglary, residential burglary,
28 possession of burglary tools, home invasion, home
29 repair fraud, aggravated home repair fraud, or
30 financial exploitation of an elderly or disabled
31 person is guilty of a Class 3 ~~4~~ felony. When a person
32 has any such prior conviction, the information or
33 indictment charging that person shall state the prior
34 conviction so as to give notice of the State's
35 intention to treat the charge as a Class 3 felony. The
36 fact of the prior conviction is not an element of the

1 offense and may not be disclosed to the jury during
2 trial unless otherwise permitted by issues properly
3 raised during the trial.

4 (B) Identity theft of credit, money, goods,
5 services, or other property exceeding \$300 and not
6 exceeding \$2,000 in value is a Class 3 ~~4~~ felony.

7 (C) Identity theft of credit, money, goods,
8 services, or other property exceeding \$2,000 and not
9 exceeding \$10,000 in value is a Class 2 ~~3~~ felony.

10 (D) Identity theft of credit, money, goods,
11 services, or other property exceeding \$10,000 and not
12 exceeding \$100,000 in value is a Class 1 ~~2~~ felony.

13 (E) Identity theft of credit, money, goods,
14 services, or other property exceeding \$100,000 in
15 value is a Class X ~~1~~ felony.

16 (2) A person convicted of any offense enumerated in
17 paragraphs (2) through (5) of subsection (a) is guilty of a
18 Class 3 ~~4~~ felony.

19 (3) A person convicted of any offense enumerated in
20 paragraphs (2) through (5) of subsection (a) a second or
21 subsequent time is guilty of a Class 2 ~~3~~ felony.

22 (4) A person who, within a 12 month period, is found in
23 violation of any offense enumerated in paragraphs (2)
24 through (5) of subsection (a) with respect to the
25 identifiers of 3 or more separate individuals, at the same
26 time or consecutively, is guilty of a Class 2 ~~3~~ felony.

27 (Source: P.A. 92-792, eff. 8-6-02; 93-401, eff. 7-31-03.)

28 (720 ILCS 5/16G-20)

29 Sec. 16G-20. Aggravated identity theft.

30 (a) A person commits the offense of aggravated identity
31 theft when he or she commits the offense of identity theft as
32 set forth in subsection (a) of Section 16G-15 against a person
33 60 years of age or older or a disabled person as defined in
34 Section 16-1.3 of this Code.

35 (b) Knowledge shall be determined by an evaluation of all

1 circumstances surrounding the use of the other person's
2 identifying information or document.

3 (c) When a charge of aggravated identity theft of credit,
4 money, goods, services, or other property exceeding a specified
5 value is brought the value of the credit, money, goods,
6 services, or other property is an element of the offense to be
7 resolved by the trier of fact as either exceeding or not
8 exceeding the specified value.

9 (d) A defense to aggravated identity theft does not exist
10 merely because the accused reasonably believed the victim to be
11 a person less than 60 years of age.

12 (e) Sentence.

13 (1) Aggravated identity theft of credit, money, goods,
14 services, or other property not exceeding \$300 in value is
15 a Class 3 ~~4~~ felony.

16 (2) Aggravated identity theft of credit, money, goods,
17 services, or other property exceeding \$300 and not
18 exceeding \$10,000 in value is a Class 2 ~~3~~ felony.

19 (3) Aggravated identity theft of credit, money, goods,
20 services, or other property exceeding \$10,000 in value and
21 not exceeding \$100,000 in value is a Class 1 ~~2~~ felony.

22 (4) Aggravated identity theft of credit, money, goods,
23 services, or other property exceeding \$100,000 in value is
24 a Class X ~~1~~ felony.

25 (5) A person who has been previously convicted of
26 aggravated identity theft regardless of the value of the
27 property involved who is convicted of a second or
28 subsequent offense of aggravated identity theft regardless
29 of the value of the property involved is guilty of a Class
30 X felony.

31 (Source: P.A. 93-401, eff. 7-31-03.)

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