

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 16G-15 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 person who has been previously  
21 convicted of identity theft of less than \$300 who is  
22 convicted of a second or subsequent offense of identity  
23 theft of less than \$300 is guilty of a Class 3 felony.  
24 A person who has been convicted of identity theft of  
25 less than \$300 who has been previously convicted of any  
26 type of theft, robbery, armed robbery, burglary,  
27 residential burglary, possession of burglary tools,  
28 home invasion, home repair fraud, aggravated home  
29 repair fraud, or financial exploitation of an elderly  
30 or disabled person is guilty of a Class 3 felony. When  
31 a person has any such prior conviction, the information  
32 or indictment charging that person shall state the  
33 prior conviction so as to give notice of the State's  
34 intention to treat the charge as a Class 3 felony. The  
35 fact of the prior conviction is not an element of the  
36 offense and may not be disclosed to the jury during

1 trial unless otherwise permitted by issues properly  
2 raised during the trial.

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

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

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

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

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

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

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

26 (5) A person convicted of identity theft in violation  
27 of paragraph (2) of subsection (a) who uses any personal  
28 identification information or personal identification  
29 document of another to purchase methamphetamine  
30 manufacturing material as defined in Section 10 of the  
31 Methamphetamine Control and Community Protection Act with  
32 the intent to unlawfully manufacture methamphetamine is  
33 guilty of a Class 2 felony for a first offense and a Class  
34 1 felony for a second or subsequent offense.

35 (Source: P.A. 93-401, eff. 7-31-03; 94-39, eff. 6-16-05.)