



**Filed: 3/15/2006**

09400HB4297sam001

LRB094 15753 LCT 56957 a

1 AMENDMENT TO HOUSE BILL 4297

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4297 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by  
5 changing 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

1           (4) uses, obtains, records, possesses, sells,  
2 transfers, purchases, or manufactures any personal  
3 identification information or personal identification  
4 document of another knowing that such personal  
5 identification information or personal identification  
6 documents were stolen or produced without lawful  
7 authority, or

8           (5) uses, transfers, or possesses document-making  
9 implements to produce false identification or false  
10 documents with knowledge that they will be used by the  
11 person or another to commit any felony theft or other  
12 felony violation of State law.

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

16           (c) When a charge of identity theft of credit, money,  
17 goods, services, or other property exceeding a specified value  
18 is brought the value of the credit, money, goods, services, or  
19 other property is an element of the offense to be resolved by  
20 the trier of fact as either exceeding or not exceeding the  
21 specified value.

22           (d) Sentence.

23           (1) A person convicted of identity theft in violation  
24 of paragraph (1) of subsection (a) shall be sentenced as  
25 follows:

26           (A) identity theft of credit, money, goods,  
27 services, or other property not exceeding \$300 in value  
28 is a Class 4 felony. A person who has been previously  
29 convicted of identity theft of less than \$300 who is  
30 convicted of a second or subsequent offense of identity  
31 theft of less than \$300 is guilty of a Class 3 felony.  
32 A person who has been convicted of identity theft of  
33 less than \$300 who has been previously convicted of any  
34 type of theft, robbery, armed robbery, burglary,

1 residential burglary, possession of burglary tools,  
2 home invasion, home repair fraud, aggravated home  
3 repair fraud, or financial exploitation of an elderly  
4 or disabled person is guilty of a Class 3 felony. When  
5 a person has any such prior conviction, the information  
6 or indictment charging that person shall state the  
7 prior conviction so as to give notice of the State's  
8 intention to treat the charge as a Class 3 felony. The  
9 fact of the prior conviction is not an element of the  
10 offense and may not be disclosed to the jury during  
11 trial unless otherwise permitted by issues properly  
12 raised during the trial.

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

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

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

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

25 (2) A person convicted of any offense enumerated in  
26 paragraphs (2) through (5) of subsection (a) is guilty of a  
27 Class 3 felony.

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

31 (4) A person who, within a 12 month period, is found in  
32 violation of any offense enumerated in paragraphs (2)  
33 through (5) of subsection (a) with respect to the  
34 identifiers of 3 or more separate individuals, at the same

1 time or consecutively, is guilty of a Class 2 felony.

2 (5) A person convicted of identity theft in violation  
3 of paragraph (2) of subsection (a) who uses any personal  
4 identification information or personal identification  
5 document of another to purchase methamphetamine  
6 manufacturing material as defined in Section 10 of the  
7 Methamphetamine Control and Community Protection Act with  
8 the intent to unlawfully manufacture methamphetamine is  
9 guilty of a Class 2 felony for a first offense and a Class  
10 1 felony for a second or subsequent offense.

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

12 Section 10. The Code of Criminal Procedure of 1963 is  
13 amended by adding Section 115-7.4 as follows:

14 (725 ILCS 5/115-7.4 new)

15 Sec. 115-7.4. Use of audio or video recordings in certain  
16 cases.

17 (a) This Section applies to criminal cases in which:

18 (1) the defendant is accused of predatory criminal  
19 sexual assault of a child, aggravated criminal sexual  
20 assault, criminal sexual assault, aggravated criminal  
21 sexual abuse, criminal sexual abuse, or criminal  
22 transmission of HIV;

23 (2) the defendant is accused of battery or aggravated  
24 battery when the commission of the offense involves sexual  
25 penetration or sexual conduct as defined in Section 12-12  
26 of the Criminal Code of 1961; or

27 (3) the defendant is tried or retried for any of the  
28 offenses formally known as rape, deviate sexual assault,  
29 indecent liberties with a child, and aggravated indecent  
30 liberties with a child.

31 (b) The court shall not require a victim to listen to or  
32 watch any audio or video recordings of the act or acts which

1 gave rise to an offense set forth under this Section, even if  
2 such evidence is otherwise found admissible under the rules of  
3 evidence.".