

**SB2897**



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB2897**

Introduced 1/20/2006, by Sen. Edward D. Maloney

**SYNOPSIS AS INTRODUCED:**

720 ILCS 5/16-1

from Ch. 38, par. 16-1

Amends the Criminal Code of 1961. Increases the penalties for theft of property from a charitable organization by one class than otherwise would have been the penalties for the offense if the offense had not been committed against a charitable organization.

LRB094 18857 RLC 54286 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

**A BILL FOR**

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 as follows:

6 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

7 Sec. 16-1. Theft.

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

9 (1) Obtains or exerts unauthorized control over  
10 property of the owner; or

11 (2) Obtains by deception control over property of the  
12 owner; or

13 (3) Obtains by threat control over property of the  
14 owner; or

15 (4) Obtains control over stolen property knowing the  
16 property to have been stolen or under such circumstances as  
17 would reasonably induce him to believe that the property  
18 was stolen; or

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

24 (A) Intends to deprive the owner permanently of the  
25 use or benefit of the property; or

26 (B) Knowingly uses, conceals or abandons the  
27 property in such manner as to deprive the owner  
28 permanently of such use or benefit; or

29 (C) Uses, conceals, or abandons the property  
30 knowing such use, concealment or abandonment probably  
31 will deprive the owner permanently of such use or  
32 benefit.

1 (b) Sentence.

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

4 (1.1) Theft of property not from the person and not  
5 exceeding \$300 in value is a Class 4 felony if the theft  
6 was committed in a school or place of worship or if the  
7 theft was of governmental property or if the theft of  
8 property was from a charitable organization as defined in  
9 Section 501(c)(3) of the United States Internal Revenue  
10 Code.

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

28 (3) (Blank).

29 (4) Theft of property from the person not exceeding  
30 \$300 in value, or theft of property exceeding \$300 and not  
31 exceeding \$10,000 in value, is a Class 3 felony.

32 (4.1) Theft of property from the person not exceeding  
33 \$300 in value, or theft of property exceeding \$300 and not  
34 exceeding \$10,000 in value, is a Class 2 felony if the  
35 theft was committed in a school or place of worship or if  
36 the theft was of governmental property or if the theft of

1 property was from a charitable organization as defined in  
2 Section 501(c)(3) of the United States Internal Revenue  
3 Code.

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

6 (5.1) Theft of property exceeding \$10,000 and not  
7 exceeding \$100,000 in value is a Class 1 felony if the  
8 theft was committed in a school or place of worship or if  
9 the theft was of governmental property or if the theft of  
10 property was from a charitable organization as defined in  
11 Section 501(c)(3) of the United States Internal Revenue  
12 Code.

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

15 (6.1) Theft of property exceeding \$100,000 in value is  
16 a Class X felony if the theft was committed in a school or  
17 place of worship or if the theft was of governmental  
18 property or if the theft of property was from a charitable  
19 organization as defined in Section 501(c)(3) of the United  
20 States Internal Revenue Code.

21 (6.2) Theft of property exceeding \$500,000 in value is  
22 a Class 1 non-probationable felony.

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

27 (c) When a charge of theft of property exceeding a  
28 specified value is brought, the value of the property involved  
29 is an element of the offense to be resolved by the trier of  
30 fact as either exceeding or not exceeding the specified value.

31 (Source: P.A. 93-520, eff. 8-6-03; 94-134, eff. 1-1-06.)