

**HB6667**



**95TH GENERAL ASSEMBLY**

**State of Illinois**

**2007 and 2008**

**HB6667**

by Rep. John A. Fritchey - David E. Miller

**SYNOPSIS AS INTRODUCED:**

720 ILCS 5/16-1

from Ch. 38, par. 16-1

Amends the Criminal Code of 1961. Provides that theft of property consisting of motor fuel by the siphoning of such fuel from a motor vehicle is a Class 4 felony. Effective immediately.

LRB095 21862 RLC 52112 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

1 (A) Intends to deprive the owner permanently of the  
2 use or benefit of the property; or

3 (B) Knowingly uses, conceals or abandons the  
4 property in such manner as to deprive the owner  
5 permanently of such use or benefit; or

6 (C) Uses, conceals, or abandons the property  
7 knowing such use, concealment or abandonment probably  
8 will deprive the owner permanently of such use or  
9 benefit.

10 (b) Sentence.

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

13 (1.1) Theft of property not from the person and not  
14 exceeding \$300 in value is a Class 4 felony if the theft  
15 was committed in a school or place of worship or if the  
16 theft was of governmental property.

17 (1.2) Theft of property consisting of motor fuel by the  
18 siphoning of such fuel from a motor vehicle is a Class 4  
19 felony. For the purposes of this paragraph (1.2), "motor  
20 fuel" means all volatile and inflammable liquids produced,  
21 blended or compounded for the purpose of, or which are  
22 suitable or practicable for, operating motor vehicles; and  
23 "motor vehicle" has the meaning ascribed to it in Section  
24 1-146 of the Illinois Vehicle Code.

25 (2) A person who has been convicted of theft of  
26 property not from the person and not exceeding \$300 in

1 value who has been previously convicted of any type of  
2 theft, robbery, armed robbery, burglary, residential  
3 burglary, possession of burglary tools, home invasion,  
4 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or  
5 4-103.3 of the Illinois Vehicle Code relating to the  
6 possession of a stolen or converted motor vehicle, or a  
7 violation of Section 8 of the Illinois Credit Card and  
8 Debit Card Act is guilty of a Class 4 felony. When a person  
9 has any such prior conviction, the information or  
10 indictment charging that person shall state such prior  
11 conviction so as to give notice of the State's intention to  
12 treat the charge as a felony. The fact of such prior  
13 conviction is not an element of the offense and may not be  
14 disclosed to the jury during trial unless otherwise  
15 permitted by issues properly raised during such trial.

16 (3) (Blank).

17 (4) Theft of property from the person not exceeding  
18 \$300 in value, or theft of property exceeding \$300 and not  
19 exceeding \$10,000 in value, is a Class 3 felony.

20 (4.1) Theft of property from the person not exceeding  
21 \$300 in value, or theft of property exceeding \$300 and not  
22 exceeding \$10,000 in value, is a Class 2 felony if the  
23 theft was committed in a school or place of worship or if  
24 the theft was of governmental property.

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

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

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

7           (6.1) Theft of property exceeding \$100,000 in value is  
8           a Class X felony if the theft was committed in a school or  
9           place of worship or if the theft was of governmental  
10          property.

11          (6.2) Theft of property exceeding \$500,000 in value is  
12          a Class 1 non-probationable felony.

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

17          (c) When a charge of theft of property exceeding a  
18          specified value is brought, the value of the property involved  
19          is an element of the offense to be resolved by the trier of  
20          fact as either exceeding or not exceeding the specified value.

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

22          Section 99. Effective date. This Act takes effect upon  
23          becoming law.