

# SB0705



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB0705

Introduced 2/8/2007, by Sen. A. J. Wilhelmi

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/16G-15.5 new

Amends the Criminal Code of 1961. Creates the offense of prescription theft. Provides that a person commits the offense when he or she knowingly: (1) alters a properly issued prescription; (2) possesses a blank prescription or prescriptions without the written permission of a licensed prescriber; or (3) possesses or attempts to fill a prescription not issued by a licensed prescriber. Provides that a violation is a Class 4 felony for a first offense and a Class 3 felony for a second or subsequent offense.

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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 adding  
5 Section 16G-15.5 as follows:

6 (720 ILCS 5/16G-15.5 new)

7 Sec. 16G-15.5. Prescription theft.

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

10 (1) alters a properly issued prescription;

11 (2) possesses a blank prescription or prescriptions  
12 without the written permission of a licensed prescriber; or

13 (3) possesses or attempts to fill a prescription not  
14 issued by a licensed prescriber.

15 (b) Knowledge shall be determined by an evaluation of all  
16 circumstances surrounding possession of a blank prescription  
17 or possession of or attempted use of a prescription altered or  
18 not issued by a licensed prescriber.

19 (c) Sentence. A person convicted of prescription theft in  
20 violation of subsection (a) shall be sentenced as follows:

21 (1) Prescription theft is a Class 4 felony.

22 (2) A person who has been previously convicted of  
23 prescription theft who is convicted of a second or

1 subsequent offense is guilty of a Class 3 felony.

2 (d) For the purposes of this Section, "licensed prescriber"  
3 means a physician licensed to practice medicine in all its  
4 branches; a licensed podiatrist; a therapeutically certified  
5 optometrist; a licensed dentist; a licensed physician  
6 assistant who has been delegated prescriptive authority by a  
7 supervising physician; or a licensed advanced practice  
8 registered nurse who has a written collaborative agreement with  
9 a collaborating physician that authorizes prescriptive  
10 authority.