



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB2648**

Introduced 2/20/2009, by Rep. Dennis M. Reboletti

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/16-1

from Ch. 38, par. 16-1

720 ILCS 5/16A-10

from Ch. 38, par. 16A-10

Amends the Criminal Code of 1961. Provides that an otherwise misdemeanor theft and retail theft are enhanced from a Class A misdemeanor to a Class 4 felony if the person has previously been convicted of vehicular hijacking, aggravated vehicular hijacking, or aggravated robbery. In the case of retail theft the penalty is enhanced to a Class 4 felony if the defendant had been previously convicted of forgery, or a violation of provisions of the Illinois Vehicle Code relating to the possession of a stolen or converted motor vehicle. Effective immediately.

LRB096 07932 RLC 18035 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 Sections 16-1 and 16A-10 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 (2) A person who has been convicted of theft of  
18 property not from the person and not exceeding \$300 in  
19 value who has been previously convicted of any type of  
20 theft, robbery, armed robbery, vehicular hijacking,  
21 aggravated vehicular hijacking, aggravated robbery,  
22 burglary, residential burglary, possession of burglary  
23 tools, home invasion, forgery, a violation of Section  
24 4-103, 4-103.1, 4-103.2, or 4-103.3 of the Illinois Vehicle  
25 Code relating to the possession of a stolen or converted  
26 motor vehicle, or a violation of Section 8 of the Illinois

1 Credit Card and Debit Card Act is guilty of a Class 4  
2 felony. When a person has any such prior conviction, the  
3 information or indictment charging that person shall state  
4 such prior conviction so as to give notice of the State's  
5 intention to treat the charge as a felony. The fact of such  
6 prior conviction is not an element of the offense and may  
7 not be disclosed to the jury during trial unless otherwise  
8 permitted by issues properly raised during such trial.

9 (3) (Blank).

10 (4) Theft of property from the person not exceeding  
11 \$300 in value, or theft of property exceeding \$300 and not  
12 exceeding \$10,000 in value, is a Class 3 felony.

13 (4.1) Theft of property from the person not exceeding  
14 \$300 in value, or theft of property exceeding \$300 and not  
15 exceeding \$10,000 in value, is a Class 2 felony if the  
16 theft was committed in a school or place of worship or if  
17 the theft was of governmental property.

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

20 (5.1) Theft of property exceeding \$10,000 and not  
21 exceeding \$100,000 in value is a Class 1 felony if the  
22 theft was committed in a school or place of worship or if  
23 the theft was of governmental property.

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

26 (6.1) Theft of property exceeding \$100,000 in value is

1 a Class X felony if the theft was committed in a school or  
2 place of worship or if the theft was of governmental  
3 property.

4 (6.2) Theft of property exceeding \$500,000 in value is  
5 a Class 1 non-probationable felony.

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

10 (c) When a charge of theft of property exceeding a  
11 specified value is brought, the value of the property involved  
12 is an element of the offense to be resolved by the trier of  
13 fact as either exceeding or not exceeding the specified value.

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

15 (720 ILCS 5/16A-10) (from Ch. 38, par. 16A-10)

16 Sec. 16A-10. Sentence.

17 (1) Retail theft of property, the full retail value of  
18 which does not exceed \$150, is a Class A misdemeanor. Theft by  
19 emergency exit of property, the full retail value of which does  
20 not exceed \$150, is a Class 4 felony.

21 (2) A person who has been convicted of retail theft of  
22 property, the full retail value of which does not exceed \$150,  
23 and who has been previously convicted of any type of theft,  
24 robbery, armed robbery, vehicular hijacking, aggravated  
25 vehicular hijacking, aggravated robbery, burglary, residential

1 burglary, possession of burglary tools, ~~or~~ home invasion,  
2 forgery, or a violation of Section 4-103, 4-103.1, 4-103.2, or  
3 4-103.3 of the Illinois Vehicle Code relating to the possession  
4 of a stolen or converted motor vehicle, is guilty of a Class 4  
5 felony. A person who has been convicted of theft by emergency  
6 exit of property, the full retail value of which does not  
7 exceed \$150, and who has been previously convicted of any type  
8 of theft, robbery, armed robbery, burglary, residential  
9 burglary, possession of burglary tools or home invasion is  
10 guilty of a Class 3 felony. When a person has any such prior  
11 conviction, the information or indictment charging that person  
12 shall state such prior conviction so as to give notice of the  
13 State's intention to treat the charge of retail theft as a  
14 felony. The fact of such prior conviction is not an element of  
15 the offense and may not be disclosed to the jury during trial  
16 unless otherwise permitted by issues properly raised during  
17 such trial.

18 (3) Any retail theft of property, the full retail value of  
19 which exceeds \$150, is a Class 3 felony. Theft by emergency  
20 exit of property, the full retail value of which exceeds \$150,  
21 is a Class 2 felony. When a charge of retail theft of property  
22 or theft by emergency exit of property, the full value of which  
23 exceeds \$150, is brought, the value of the property involved is  
24 an element of the offense to be resolved by the trier of fact  
25 as either exceeding or not exceeding \$150.

26 (Source: P.A. 94-449, eff. 8-4-05.)

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.