

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 (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, burglary, residential
21 burglary, possession of burglary tools, home invasion,
22 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or
23 4-103.3 of the Illinois Vehicle Code relating to the
24 possession of a stolen or converted motor vehicle, or a
25 violation of Section 8 of the Illinois Credit Card and
26 Debit Card Act is guilty of a Class 4 felony. When a person

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

8 (3) (Blank).

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

12 (4.1) Theft of property from the person not exceeding
13 \$300 in value, or theft of property exceeding \$300 and not
14 exceeding \$10,000 in value, is a Class 2 felony if the
15 theft was committed in a school or place of worship or if
16 the theft was of governmental property.

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

19 (5.1) Theft of property exceeding \$10,000 and not
20 exceeding \$100,000 in value is a Class 1 felony if the
21 theft was committed in a school or place of worship or if
22 the theft was of governmental property.

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

25 (6.1) Theft of property exceeding \$100,000 in value is
26 a Class X felony if the theft was committed in a school or

1 place of worship or if the theft was of governmental
2 property.

3 (6.2) Theft of property exceeding \$500,000 in value is
4 a Class 1 non-probationable felony.

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

9 (8) Theft by deception, as described by paragraph (2)
10 of subsection (a) of this Section, in which the offender
11 falsely poses as a landlord or agent or employee of the
12 landlord and obtains a rent payment or a security deposit
13 from a tenant is a Class 3 felony if the rent payment or
14 security deposit obtained does not exceed \$300.

15 (9) Theft by deception, as described by paragraph (2)
16 of subsection (a) of this Section, in which the offender
17 falsely poses as a landlord or agent or employee of the
18 landlord and obtains a rent payment or a security deposit
19 from a tenant is a Class 2 felony if the rent payment or
20 security deposit obtained exceeds \$300 and does not exceed
21 \$10,000.

22 (10) Theft by deception, as described by paragraph (2)
23 of subsection (a) of this Section, in which the offender
24 falsely poses as a landlord or agent or employee of the
25 landlord and obtains a rent payment or a security deposit
26 from a tenant is a Class 1 felony if the rent payment or

1 security deposit obtained exceeds \$10,000 and does not
2 exceed \$100,000.

3 (11) Theft by deception, as described by paragraph (2)
4 of subsection (a) of this Section, in which the offender
5 falsely poses as a landlord or agent or employee of the
6 landlord and obtains a rent payment or a security deposit
7 from a tenant is a Class X felony if the rent payment or
8 security deposit obtained exceeds \$100,000.

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

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