

1 AN ACT concerning professional regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Fire Sprinkler Contractor Licensing Act is
5 amended by adding Section 32 as follows:

6 (225 ILCS 317/32 new)

7 Sec. 32. Application for building permit; identity theft. A
8 person who knowingly, in the course of applying for a building
9 permit with a unit of local government, provides the license
10 number of a fire sprinkler contractor whom he or she does not
11 intend to have perform the work on the fire sprinkler portion
12 of the project commits identity theft under paragraph (8) of
13 subsection (a) of Section 16G-15 of the Criminal Code of 1961.

14 Section 10. The Criminal Code of 1961 is amended by
15 changing Section 16G-15 as follows:

16 (720 ILCS 5/16G-15)

17 Sec. 16G-15. Identity theft.

18 (a) A person commits the offense of identity theft when he
19 or she knowingly:

20 (1) uses any personal identifying information or
21 personal identification document of another person to

1 fraudulently obtain credit, money, goods, services, or
2 other property, or

3 (2) uses any personal identification information or
4 personal identification document of another with intent to
5 commit any felony theft or other felony violation of State
6 law not set forth in paragraph (1) of this subsection (a),
7 or

8 (3) obtains, records, possesses, sells, transfers,
9 purchases, or manufactures any personal identification
10 information or personal identification document of another
11 with intent to commit or to aid or abet another in
12 committing any felony theft or other felony violation of
13 State law, or

14 (4) uses, obtains, records, possesses, sells,
15 transfers, purchases, or manufactures any personal
16 identification information or personal identification
17 document of another knowing that such personal
18 identification information or personal identification
19 documents were stolen or produced without lawful
20 authority, or

21 (5) uses, transfers, or possesses document-making
22 implements to produce false identification or false
23 documents with knowledge that they will be used by the
24 person or another to commit any felony theft or other
25 felony violation of State law, or

26 (6) uses any personal identification information or

1 personal identification document of another to portray
2 himself or herself as that person, or otherwise, for the
3 purpose of gaining access to any personal identification
4 information or personal identification document of that
5 person, without the prior express permission of that
6 person, or

7 (7) uses any personal identification information or
8 personal identification document of another for the
9 purpose of gaining access to any record of the actions
10 taken, communications made or received, or other
11 activities or transactions of that person, without the
12 prior express permission of that person, or -

13 (8) in the course of applying for a building permit
14 with a unit of local government, provides the license
15 number of a fire sprinkler contractor whom he or she does
16 not intend to have perform the work on the fire sprinkler
17 portion of the project. It is an affirmative defense to
18 prosecution under this paragraph (8) that the building
19 permit applicant promptly informed the unit of local
20 government that issued the building permit of any change in
21 the fire sprinkler contractor.

22 (b) Knowledge shall be determined by an evaluation of all
23 circumstances surrounding the use of the other person's
24 identifying information or document.

25 (c) When a charge of identity theft of credit, money,
26 goods, services, or other property exceeding a specified value

1 is brought the value of the credit, money, goods, services, or
2 other property is an element of the offense to be resolved by
3 the trier of fact as either exceeding or not exceeding the
4 specified value.

5 (d) Sentence.

6 (1) A person convicted of identity theft in violation
7 of paragraph (1) of subsection (a) shall be sentenced as
8 follows:

9 (A) Identity theft of credit, money, goods,
10 services, or other property not exceeding \$300 in value
11 is a Class 4 felony. A person who has been previously
12 convicted of identity theft of less than \$300 who is
13 convicted of a second or subsequent offense of identity
14 theft of less than \$300 is guilty of a Class 3 felony.
15 A person who has been convicted of identity theft of
16 less than \$300 who has been previously convicted of any
17 type of theft, robbery, armed robbery, burglary,
18 residential burglary, possession of burglary tools,
19 home invasion, home repair fraud, aggravated home
20 repair fraud, or financial exploitation of an elderly
21 or disabled person is guilty of a Class 3 felony.
22 Identity theft of credit, money, goods, services, or
23 other property not exceeding \$300 in value when the
24 victim of the identity theft is an active duty member
25 of the Armed Services or Reserve Forces of the United
26 States or of the Illinois National Guard serving in a

1 foreign country is a Class 3 felony. A person who has
2 been previously convicted of identity theft of less
3 than \$300 who is convicted of a second or subsequent
4 offense of identity theft of less than \$300 when the
5 victim of the identity theft is an active duty member
6 of the Armed Services or Reserve Forces of the United
7 States or of the Illinois National Guard serving in a
8 foreign country is guilty of a Class 2 felony. A person
9 who has been convicted of identity theft of less than
10 \$300 when the victim of the identity theft is an active
11 duty member of the Armed Services or Reserve Forces of
12 the United States or of the Illinois National Guard
13 serving in a foreign country who has been previously
14 convicted of any type of theft, robbery, armed robbery,
15 burglary, residential burglary, possession of burglary
16 tools, home invasion, home repair fraud, aggravated
17 home repair fraud, or financial exploitation of an
18 elderly or disabled person is guilty of a Class 2
19 felony. When a person has any such prior conviction,
20 the information or indictment charging that person
21 shall state the prior conviction so as to give notice
22 of the State's intention to treat the charge as a Class
23 3 felony. The fact of the prior conviction is not an
24 element of the offense and may not be disclosed to the
25 jury during trial unless otherwise permitted by issues
26 properly raised during the trial.

1 (B) Identity theft of credit, money, goods,
2 services, or other property exceeding \$300 and not
3 exceeding \$2,000 in value is a Class 3 felony. Identity
4 theft of credit, money, goods, services, or other
5 property exceeding \$300 and not exceeding \$2,000 in
6 value when the victim of the identity theft is an
7 active duty member of the Armed Services or Reserve
8 Forces of the United States or of the Illinois National
9 Guard serving in a foreign country is a Class 2 felony.

10 (C) Identity theft of credit, money, goods,
11 services, or other property exceeding \$2,000 and not
12 exceeding \$10,000 in value is a Class 2 felony.
13 Identity theft of credit, money, goods, services, or
14 other property exceeding \$2,000 and not exceeding
15 \$10,000 in value when the victim of the identity theft
16 is an active duty member of the Armed Services or
17 Reserve Forces of the United States or of the Illinois
18 National Guard serving in a foreign country is a Class
19 1 felony.

20 (D) Identity theft of credit, money, goods,
21 services, or other property exceeding \$10,000 and not
22 exceeding \$100,000 in value is a Class 1 felony.
23 Identity theft of credit, money, goods, services, or
24 other property exceeding \$10,000 and not exceeding
25 \$100,000 in value when the victim of the identity theft
26 is an active duty member of the Armed Services or

1 Reserve Forces of the United States or of the Illinois
2 National Guard serving in a foreign country is a Class
3 X felony.

4 (E) Identity theft of credit, money, goods,
5 services, or other property exceeding \$100,000 in
6 value is a Class X felony.

7 (2) A person convicted of any offense enumerated in
8 paragraphs (2) through (7) of subsection (a) is guilty of a
9 Class 3 felony. A person convicted of any offense
10 enumerated in paragraphs (2) through (7) of subsection (a)
11 when the victim of the identity theft is an active duty
12 member of the Armed Services or Reserve Forces of the
13 United States or of the Illinois National Guard serving in
14 a foreign country is guilty of a Class 2 felony.

15 (3) A person convicted of any offense enumerated in
16 paragraphs (2) through (5) of subsection (a) a second or
17 subsequent time is guilty of a Class 2 felony. A person
18 convicted of any offense enumerated in paragraphs (2)
19 through (5) of subsection (a) a second or subsequent time
20 when the victim of the identity theft is an active duty
21 member of the Armed Services or Reserve Forces of the
22 United States or of the Illinois National Guard serving in
23 a foreign country is guilty of a Class 1 felony.

24 (4) A person who, within a 12 month period, is found in
25 violation of any offense enumerated in paragraphs (2)
26 through (7) of subsection (a) with respect to the

1 identifiers of, or other information relating to, 3 or more
2 separate individuals, at the same time or consecutively, is
3 guilty of a Class 2 felony. A person who, within a 12 month
4 period, is found in violation of any offense enumerated in
5 paragraphs (2) through (7) of subsection (a) with respect
6 to the identifiers of, or other information relating to, 3
7 or more separate individuals, at the same time or
8 consecutively, when the victim of the identity theft is an
9 active duty member of the Armed Services or Reserve Forces
10 of the United States or of the Illinois National Guard
11 serving in a foreign country is guilty of a Class 1 felony.

12 (5) A person convicted of identity theft in violation
13 of paragraph (2) of subsection (a) who uses any personal
14 identification information or personal identification
15 document of another to purchase methamphetamine
16 manufacturing material as defined in Section 10 of the
17 Methamphetamine Control and Community Protection Act with
18 the intent to unlawfully manufacture methamphetamine is
19 guilty of a Class 2 felony for a first offense and a Class
20 1 felony for a second or subsequent offense. A person
21 convicted of identity theft in violation of paragraph (2)
22 of subsection (a) who uses any personal identification
23 information or personal identification document of another
24 to purchase methamphetamine manufacturing material as
25 defined in Section 10 of the Methamphetamine Control and
26 Community Protection Act with the intent to unlawfully

1 manufacture methamphetamine when the victim of the
2 identity theft is an active duty member of the Armed
3 Services or Reserve Forces of the United States or of the
4 Illinois National Guard serving in a foreign country is
5 guilty of a Class 1 felony for a first offense and a Class
6 X felony for a second or subsequent offense.

7 (6) A person convicted of identity theft in violation
8 of paragraph (8) of subsection (a) of this Section shall be
9 guilty of a Class 4 felony.

10 (Source: P.A. 94-39, eff. 6-16-05; 94-827, eff. 1-1-07;
11 94-1008, eff. 7-5-06; 95-60, eff. 1-1-08; 95-331, eff.
12 8-21-07.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.