

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 2012 is amended by changing  
5 Section 16-3 as follows:

6 (720 ILCS 5/16-3) (from Ch. 38, par. 16-3)

7 Sec. 16-3. Theft of labor or services or use of property.

8 (a) A person commits theft when he or she knowingly obtains  
9 the temporary use of property, labor or services of another  
10 which are available only for hire, by means of threat or  
11 deception or knowing that such use is without the consent of  
12 the person providing the property, labor or services. For the  
13 purposes of this subsection, library material is available for  
14 hire.

15 (b) A person commits theft when after (1) renting or  
16 leasing a motor vehicle, (2) obtaining a motor vehicle through  
17 a "driveaway" service mode of transportation, (3) renting or  
18 leasing equipment exceeding \$500 in value including tools,  
19 construction or industry equipment, and such items as linens,  
20 tableware, tents, tables, chairs and other equipment specially  
21 rented for a party or special event, or (4) renting or leasing  
22 any other type of personal property exceeding \$500 in value,  
23 under an agreement in writing which provides for the return of

1 the vehicle, equipment, or other personal property to a  
2 particular place at a particular time, he or she without good  
3 cause knowingly fails to return the vehicle, equipment, or  
4 other personal property to that place within the time  
5 specified, and is thereafter served or sent a written demand  
6 mailed to the last known address, made by certified mail return  
7 receipt requested, to return the ~~such~~ vehicle, equipment, or  
8 other personal property within 3 days from the mailing of the  
9 written demand, and who without good cause knowingly fails to  
10 return the vehicle, equipment, or any other personal property  
11 to any place of business of the lessor within the return ~~such~~  
12 period. The trier of fact may infer evidence that the person is  
13 without good cause if the person signs the agreement with a  
14 name or address other than his or her own.

15 (c) A person commits theft when he or she borrows from a  
16 library facility library material which has an aggregate value  
17 of \$50 or more pursuant to an agreement with or procedure  
18 established by the library facility for the return of such  
19 library material, and knowingly without good cause fails to  
20 return the library material so borrowed in accordance with such  
21 agreement or procedure, and further knowingly without good  
22 cause fails to return such library material within 30 days  
23 after receiving written notice by certified mail from the  
24 library facility demanding the return of such library material.

25 (d) Sentence.

26 A person convicted of theft under subsection (a) is guilty

1 of a Class A misdemeanor, except that the theft of library  
2 material where the aggregate value exceeds \$300 is a Class 3  
3 felony. A person convicted of theft under subsection (b) of  
4 this Section is guilty of a Class 4 felony. A person convicted  
5 of theft under subsection (c) is guilty of a petty offense for  
6 which the offender may be fined an amount not to exceed \$500  
7 and shall be ordered to reimburse the library for postage  
8 costs, attorney's fees, and actual replacement costs of the  
9 materials not returned, except that theft under subsection (c)  
10 where the aggregate value exceeds \$300 is a Class 3 felony. In  
11 addition to any other penalty imposed, the court may order a  
12 person convicted under this Section to make restitution to the  
13 victim of the offense.

14 For the purpose of sentencing on theft of library material,  
15 separate transactions totalling more than \$300 within a 90-day  
16 period shall constitute a single offense.

17 (Source: P.A. 97-597, eff. 1-1-12.)