

720 ILCS 5/16-0.1

THEFT RELATED DEFINITIONS

Sec. 16-0.1. **Definitions.** In this Article, unless the context clearly requires otherwise, the following terms are defined as indicated:

"**Access**" means to use, instruct, communicate with, store data in, retrieve or intercept data from, or otherwise utilize any services of a computer.

"**Coin-operated machine**" includes any automatic vending machine or any part thereof, parking meter, coin telephone, coin-operated transit turnstile, transit fare box, coin laundry machine, coin dry cleaning machine, amusement machine, music machine, vending machine dispensing goods or services, or money changer.

"**Communication device**" means any type of instrument, device, machine, or equipment which is capable of transmitting, acquiring, decrypting, or receiving any telephonic, electronic, data, Internet access, audio, video, microwave, or radio transmissions, signals, communications, or services, including the receipt, acquisition, transmission, or decryption of all such communications, transmissions, signals, or services provided by or through any cable television, fiber optic, telephone, satellite, microwave, radio, Internet-based, data transmission, or wireless distribution network, system or facility; or any part, accessory, or component thereof, including any computer circuit, security module, smart card, software, computer chip, electronic mechanism or other component, accessory or part of any communication device which is capable of facilitating the transmission, decryption, acquisition or reception of all such communications, transmissions, signals, or services.

"**Communication service**" means any service lawfully provided for a charge or compensation to facilitate the lawful origination, transmission, emission, or reception of signs, signals, data, writings, images, and sounds or intelligence of any nature by telephone, including cellular telephones or a wire, wireless, radio, electromagnetic, photo-electronic or photo-optical system; and also any service lawfully provided by any radio, telephone, cable television, fiber optic, satellite, microwave, Internet-based or wireless distribution network, system, facility or technology, including, but not limited to, any and all electronic, data, video, audio, Internet access, telephonic, microwave and radio communications, transmissions, signals and services, and any such communications, transmissions, signals and services lawfully provided directly or indirectly by or through any of those networks, systems, facilities or technologies.

"**Communication service provider**" means: (1) any person or entity providing any communication service, whether directly or indirectly, as a reseller, including, but not limited to, a cellular, paging or other wireless communications company or other person or entity which, for a fee, supplies the facility, cell site, mobile telephone switching office or other equipment or communication service; (2) any person or entity owning or operating any cable television, fiber optic, satellite, telephone, wireless, microwave, radio, data transmission or Internet-based distribution network, system or facility; and (3) any person or entity providing any communication service directly or indirectly by or through any such distribution system, network or facility.

"Computer" means a device that accepts, processes, stores, retrieves or outputs data, and includes but is not limited to auxiliary storage and telecommunications devices connected to computers.

"Continuing course of conduct" means a series of acts, and the accompanying mental state necessary for the crime in question, irrespective of whether the series of acts are continuous or intermittent.

"Delivery container" means any bakery basket of wire or plastic used to transport or store bread or bakery products, any dairy case of wire or plastic used to transport or store dairy products, and any dolly or cart of 2 or 4 wheels used to transport or store any bakery or dairy product.

"Document-making implement" means any implement, impression, template, computer file, computer disc, electronic device, computer hardware, computer software, instrument, or device that is used to make a real or fictitious or fraudulent personal identification document.

"Financial transaction device" means any of the following: (1) An electronic funds transfer card. (2) A credit card. (3) A debit card. (4) A point-of-sale card. (5) Any instrument, device, card, plate, code, account number, personal identification number, or a record or copy of a code, account number, or personal identification number or other means of access to a credit account or deposit account, or a driver's license or State identification card used to access a proprietary account, other than access originated solely by a paper instrument, that can be used alone or in conjunction with another access device, for any of the following purposes: (A) Obtaining money, cash refund or credit account, credit, goods, services, or any other thing of value. (B) Certifying or guaranteeing to a person or business the availability to the device holder of funds on deposit to honor a draft or check payable to the order of that person or business. (C) Providing the device holder access to a deposit account for the purpose of making deposits, withdrawing funds, transferring funds between deposit accounts, obtaining information pertaining to a deposit account, or making an electronic funds transfer.

"Full retail value" means the merchant's stated or advertised price of the merchandise.

"Full retail value" includes the aggregate value of property obtained from retail thefts committed by the same person as part of a continuing course of conduct from one or more mercantile establishments in a single transaction or in separate transactions over a period of one year.

"Internet" means an interactive computer service or system or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the Internet, or any comparable system or service and also includes, but is not limited to, a World Wide Web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service.

"Library card" means a card or plate issued by a library facility for purposes of identifying the person to whom the library card was issued as authorized to borrow library material, subject to all limitations and conditions imposed on the borrowing by the library facility issuing such card.

Library facility" includes any public library or museum, or any library or museum of an educational, historical or eleemosynary institution, organization or society.

Library material" includes any book, plate, picture, photograph, engraving, painting, sculpture, statue, artifact, drawing, map, newspaper, pamphlet, broadside, magazine, manuscript, document, letter, microfilm, sound recording, audiovisual material, magnetic or other tape, electronic data processing record or other documentary, written or printed material regardless of physical form or characteristics, or any part thereof, belonging to, or on loan to or otherwise in the custody of a library facility.

Manufacture or assembly of an unlawful access device" means to make, produce or assemble an unlawful access device or to modify, alter, program or re-program any instrument, device, machine, equipment or software so that it is capable of defeating or circumventing any technology, device or software used by the provider, owner or licensee of a communication service or of any data, audio or video programs or transmissions to protect any such communication, data, audio or video services, programs or transmissions from unauthorized access, acquisition, disclosure, receipt, decryption, communication, transmission or re-transmission.

Manufacture or assembly of an unlawful communication device" means to make, produce or assemble an unlawful communication or wireless device or to modify, alter, program or reprogram a communication or wireless device to be capable of acquiring, disrupting, receiving, transmitting, decrypting, or facilitating the acquisition, disruption, receipt, transmission or decryption of, a communication service without the express consent or express authorization of the communication service provider, or to knowingly assist others in those activities.

Master sound recording" means the original physical object on which a given set of sounds were first recorded and which the original object from which all subsequent sound recordings embodying the same set of sounds are directly or indirectly derived.

Merchandise" means any item of tangible personal property, including motor fuel.

Merchant" means an owner or operator of any retail mercantile establishment or any agent, employee, lessee, consignee, officer, director, franchisee, or independent contractor of the owner or operator.

Merchant" also means a person who receives from an authorized user of a payment card, or someone the person believes to be an authorized user, a payment card or information from a payment card, or what the person believes to be a payment card or information from a payment card, as the instrument for obtaining, purchasing or receiving goods, services, money, or anything else of value from the person.

Motor fuel" means a liquid, regardless of its properties, used to propel a vehicle, including gasoline and diesel.

Online" means the use of any electronic or wireless device to access the Internet.

"Payment card" means a credit card, charge card, debit card, or any other card that is issued to an authorized card user and that allows the user to obtain, purchase, or receive goods, services, money, or anything else of value from a merchant.

"Person with a disability" means a person who suffers from a physical or mental impairment resulting from disease, injury, functional disorder or congenital condition that impairs the individual's mental or physical ability to independently manage his or her property or financial resources, or both.

"Personal identification document" means a birth certificate, a driver's license, a State identification card, a public, government, or private employment identification card, a social security card, a firearm owner's identification card, a credit card, a debit card, or a passport issued to or on behalf of a person other than the offender, or any document made or issued, or falsely purported to have been made or issued, by or under the authority of the United States Government, the State of Illinois, or any other state political subdivision of any state, or any other governmental or quasi-governmental organization that is of a type intended for the purpose of identification of an individual, or any such document made or altered in a manner that it falsely purports to have been made on behalf of or issued to another person or by the authority of one who did not give that authority.

"Personal identifying information" means any of the following information: (1) A person's name. (2) A person's address. (3) A person's date of birth. (4) A person's telephone number. (5) A person's driver's license number or State of Illinois identification card as assigned by the Secretary of State of the State of Illinois or a similar agency of another state. (6) A person's social security number. (7) A person's public, private, or government employer, place of employment, or employment identification number. (8) The maiden name of a person's mother. (9) The number assigned to a person's depository account, savings account, or brokerage account. (10) The number assigned to a person's credit or debit card, commonly known as a "Visa Card", "MasterCard", "American Express Card", "Discover Card", or other similar cards whether issued by a financial institution, corporation, or business entity. (11) Personal identification numbers. (12) Electronic identification numbers. (13) Digital signals. (14) User names, passwords, and any other word, number, character or combination of the same usable in whole or part to access information relating to a specific individual, or to the actions taken, communications made or received, or other activities or transactions of a specific individual. (15) Any other numbers or information which can be used to access a person's financial resources, or to identify a specific individual, or the actions taken, communications made or received, or other activities or transactions of a specific individual.

"Premises of a retail mercantile establishment" includes, but is not limited to, the retail mercantile establishment; any common use areas in shopping centers; and all parking areas set aside by a merchant or on behalf of a merchant for the parking of vehicles for the convenience of the patrons of such retail mercantile establishment.

"Public water, gas, or power supply, or other public services" mean any service subject to regulation by the Illinois Commerce Commission; any service furnished by a public utility that is owned and operated by any political subdivision, public institution of higher education or municipal corporation of this State; any service furnished by any public utility that is owned by such political subdivision, public institution of higher education, or municipal corporation and operated by any of its lessees or operating agents; any service furnished by an electric cooperative as defined in Section 3.4 of the Electric Supplier Act; or wireless service or other service regulated by the Federal Communications Commission.

"Publish" means to communicate or disseminate information to any one or more persons, either orally, in person, or by telephone, radio or television or in writing of any kind, including, without limitation, a letter or memorandum, circular or handbill, newspaper or magazine article or book.

"Radio frequency identification device" means any implement, computer file, computer disc, electronic device, computer hardware, computer software, or instrument that is used to activate, read, receive, or decode information stored on a RFID tag or transponder attached to a personal identification document.

"RFID tag or transponder" means a chip or device that contains personal identifying information from which the personal identifying information can be read or decoded by another device emitting a radio frequency that activates or powers a radio frequency emission response from the chip or transponder.

"Re-encoder" means an electronic device that places encoded information from the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different payment card.

"Retail mercantile establishment" means any place where merchandise is displayed, held, stored or offered for sale to the public.

"Scanning device" means a scanner, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a payment card.

"Shopping cart" means those push carts of the type or types which are commonly provided by grocery stores, drug stores or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets and, incidentally, from the stores to a place outside the store.

"Sound or audio visual recording" means any sound or audio visual phonograph record, disc, pre-recorded tape, film, wire, magnetic tape or other object, device or medium, now known or hereafter invented, by which sounds or images may be reproduced with or without the use of any additional machine, equipment or device.

"Theft detection device remover" means any tool or device specifically designed and intended to be used to remove any theft detection device from any merchandise.

"Under-ring" means to cause the cash register or other sales recording device to reflect less than the full retail value of the merchandise.

"Unidentified sound or audio visual recording" means a sound or audio visual recording without the actual name and full and correct street address of the manufacturer, and the name of the actual performers or groups prominently and legibly printed on the outside cover or jacket and on the label of such sound or audio visual recording.

"Unlawful access device" means any type of instrument, device, machine, equipment, technology, or software which is primarily possessed, used, designed, assembled, manufactured, sold, distributed or offered, promoted or advertised for the purpose of defeating or circumventing any technology, device or software, or any component or part thereof, used by the provider, owner or licensee of any communication service or of any data, audio or video programs or transmissions to protect any such communication, audio or video services, programs or transmissions from unauthorized access, acquisition, receipt, decryption, disclosure, communication, transmission or re-transmission.

"Unlawful communication device" means any electronic serial number, mobile identification number, personal identification number or any communication or wireless device that is capable of acquiring or facilitating the acquisition of a communication service without the express consent or express authorization of the communication service provider, or that has been altered, modified, programmed or reprogrammed, alone or in conjunction with another communication or wireless device or other equipment, to so acquire or facilitate the unauthorized acquisition of a communication service.

"Unlawful communication device" also means: (1) any phone altered to obtain service without the express consent or express authorization of the communication service provider, tumbler phone, counterfeit or clone phone, tumbler microchip, counterfeit or clone microchip, scanning receiver of wireless communication service or other instrument capable of disguising its identity or location or of gaining unauthorized access to a communications or wireless system operated by a communication service provider; and (2) any communication or wireless device which is capable of, or has been altered, designed, modified, programmed or reprogrammed, alone or in conjunction with another communication or wireless device or devices, so as to be capable of, facilitating the disruption, acquisition, receipt, transmission or decryption of a communication service without the express consent or express authorization of the communication service provider, including, but not limited to, any device, technology, product, service, equipment, computer software or component or part thereof, primarily distributed, sold, designed, assembled, manufactured, modified, programmed, reprogrammed or used for the purpose of providing the unauthorized receipt of, transmission of, disruption of, decryption of, access to or acquisition of any communication service provided by any communication service provider.

"Vehicle" means a motor vehicle, motorcycle, or farm implement that is self-propelled and that uses motor fuel for propulsion.

"Wireless device" includes any type of instrument, device, machine, or equipment that is capable of transmitting or receiving telephonic, electronic or radio communications, or any part of such instrument, device, machine, or equipment, or any computer circuit, computer chip, electronic mechanism, or other component that is capable of facilitating the transmission or reception of telephonic, electronic, or radio communications.

Legislative History: Created: 97-597, eff. 1-1-12; incorporates 97-388, eff. 1-1-12; revised 9-21-11.) Amended by P.A. 97-1109; (eff, 1-1-13).

THEFT

In drafting a theft charge under Illinois Compiled Statutes, Chapter 720, Act 5, Section 16-1, it is important to keep in mind that two subsections must be averred in the charging instrument. Section 16-1 provides as follows:

- (a) A person commits theft when he knowingly:
 - (1) Obtains or exerts unauthorized control over property of the owner; or
 - (2) Obtains by deception control over property of the owner; or
 - (3) Obtains by threat control over property of the owner; or
 - (4) Obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce him to believe that the property was stolen,
 - (5) Obtains or exerts control over property in the custody of any law enforcement agency which is explicitly represented to him by any law enforcement officer or any individual acting in behalf of a law enforcement agency as being stolen.

-AND-

- (A) Intends to deprive the owner permanently of the use or benefit of the property; or
- (B) Knowingly uses, conceals or abandons the property in such manner as to deprive the owner permanently or such use or benefit; or
- (C) Uses, conceals, or abandons the property knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit; or Therefore, it is necessary that the charge consist of an averment from Subsection (1), (2), (3), (4), or (5) together with an averment from Subsection (A), (B), or (C). The options are available to the draftsman and should be selected to complement the factual circumstances of the offense. For purposes of this work, Sections 16-1(a)(1)(A), 16-1(a)(2)(A), 16-1(a)(3)(A), and 16-1(a)(4)(A), have been selected as models below and in the following pages.

The penalty provisions for the offense of Theft as found in Section 16-1(c) provides as follows:

- (1) Theft of property not from the person and not exceeding \$500 in value is a Class A Misdemeanor.
 - (1.1) Theft of property, other than a firearm, not from the person and not exceeding \$500 in value is a Class 4 Felony if the theft was committed in a school or place of worship or if the theft was of government property.
- (2) A person who has been convicted of theft of property not from the person and not exceeding \$500 in value, who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, forgery, a violation of Sections 4-103, 4-103.1, 4-103.2, or 4-103.3 of the Illinois Vehicle Code relating to the possession of a stolen or converted motor vehicles, or a violation of Section 17-36 of the Criminal Code of 1961 or Section 8 of the Illinois Credit Card and Debit Card Act, is guilty of a Class 4 felony. When a person has any such prior conviction, the information or indictment charging that person shall state such prior conviction as to give notice of the State's intention to treat the charge as a felony. The fact of such prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.
- (3) Deleted by Public Act 91-544 (Eff: 1-1-00).
- (4) Theft of property from the person not exceeding \$500 or theft of property exceeding \$500 and not exceeding \$10,000 is a Class 3 Felony.
 - (4.1) Theft of property from the person not exceeding \$500 in value, or theft of property exceeding \$500 and not exceeding \$10,000 in value, is a Class 2 Felony if the theft was committed in a school or place of worship or if the theft was of government property.
- (5) Theft of property exceeding \$10,000 and not exceeding \$100,000 in value is a Class 2 Felony.
 - (5.1) Theft of property exceeding \$10,000 and not exceeding \$100,000 in value is a Class 1 Felony if the theft was committed in a school or place of worship or if the theft was of government property.
- (6) Theft of property exceeding \$100,000 and not exceeding \$500,000 in value is a Class 1 Felony.
 - (6.1) Theft of property exceeding \$100,000 in value is a Class X Felony if the theft was committed in a school or place of worship or if the theft was of government property
 - (6.2) Theft of property exceeding \$500,000 and not exceeding \$1,000,000 in value is a Class 1 Non-Probationable Felony.
 - (6.3) Theft of property exceeding \$1,000,000 in values is a Class X Felony.

- (7) Theft by deception, as described by Paragraph (2) of this Section, in which the offender obtained money or property valued at \$5,000 or more from a victim 60 years of age or older, is a Class 2 Felony.
- (8) Theft by deception, as described by paragraph (2) of subsection (a) of this Section, in which the offender falsely poses as a landlord or agent or landlord and obtains a rent payment or a security deposit employee of the from a tenant is a Class 3 Felony if the rent payment or security deposit obtained does not exceed \$500.
- (9) Theft by deception, as described by paragraph (2) of subsection (a) of this Section, in which the offender falsely poses as a landlord or agent or employee of the landlord and obtains a rent payment or a security deposit from a tenant is a Class 2 Felony if the rent payment or security deposit obtained exceeds \$500 and does not exceed \$10,000.
- (10) Theft by deception, as described by paragraph (2) of subsection (a) of this Section, in which the offender falsely poses as a landlord or agent or employee of the landlord and obtains a rent payment or a security deposit from a tenant is a Class 1 Felony if the rent payment or security deposit obtained exceeds \$10,000 and does not exceed \$100,000.
- (11) Theft by deception, as described by paragraph (2) of subsection (a) of this Section, in which the offender falsely poses as a landlord or agent or employee of the landlord and obtains a rent payment or a security deposit from a tenant, is a Class X Felony if the rent payment or security deposit obtained exceeds \$100,000.

(These provisions were added by Public Acts: 96-0496 (Effective: 1-1-10) and 96-0534 (Effective: 8-14-08).)

NOTE A: When a charge of theft of property exceeding a specified value is brought, the value of the property involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value. (720 ILCS 5/16-1(c))

NOTE B: (d) Theft by lessee; permissive inference. The trier of fact may infer evidence that a person intends to deprive the owner permanently of the use or benefit of the property (1) if a lessee of the personal property of another fails to return it to the owner within 10 days after written demand from the owner for its return or (2) if a lessee of the personal property of another fails to return it to the owner within 24 hours after written demand from the owner for its return and the lessee had presented identification to the owner that contained a materially fictitious name, address, or telephone number. A notice in writing, given after the expiration of the leasing agreement, addressed and mailed, by registered mail, to the lessee at the address given by him and shown on the leasing agreement shall constitute proper demand. (720 ILCS 5/16-1(d) (97-0587))

NOTE C: (e) Permissive inference; evidence of intent that a person obtains by deception control over property. The trier of fact may infer that a person "knowingly obtains by deception control over property of the owner" when he or she fails to return, within 45 days after written demand from the owner, the down payment and any additional payments accepted under a promise, oral or in writing, to perform services for the owner for consideration of \$3,000 or more, and the promisor knowingly without good cause failed to substantially perform pursuant to the agreement after taking a down payment of 10% or more of the agreed upon consideration. This provision shall not apply where the owner initiated the suspension of performance under the agreement, or where the promisor responds to the notice within the 45-day notice period. A notice in writing, addressed and mailed, by registered mail, to the promisor at the last known address of the promisor, shall constitute proper demand. 720 ILCS 5/16-1(e) (97-0587)

NOTE D: (f) Offender's interest in the property. (1) It is no defense to a charge of theft of property that the offender has an interest therein, when the owner also has an interest to which the offender is not entitled. (2) Where the property involved is that of the offender's spouse, no prosecution for theft may be maintained unless the parties were not living together as man and wife and were living in separate abodes at the time of the alleged theft. 720 ILCS 5/16-1(f) (97-0587)

A violation of Section 16-1(a)(1)(A) is set forth below in order to illustrate the proper method of drafting a charge to coincide with the applicable penalty provision.

COMPLAINT: 1 - 720 ILCS 5/16-1(a)(1)(A)

Knowingly obtained unauthorized control over property of Don Smith, one 2008 Whitsit, having a total value not exceeding \$500, intending to deprive Don Smith permanently of the use of the property, and the defendant had been previously convicted of theft in violation of Section 16-1(a)(1)(A) of Act 5 of Chapter 720 of Illinois Compiled Statutes, in the Circuit Court of Union County, Illinois, on April 3, 2007.

NOTE A: Theft of property, not from the person and not exceeding \$500 in value, is a Class A Misdemeanor.

NOTE B: A conviction of theft of property, not from the person and not exceeding \$500 in value, who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, forgery, a violation of Sections 4-103, 4-103.1, 4-103.2 or 4-103.3 of the Illinois Vehicle Code relating to the possession of a stolen or converted vehicle, or a violation of Section 8 of the Illinois Credit Card and Debit Card Act, is a Class 4 Felony (720 ILCS 5/16-1(b)(2)). (See Note B on Page 1067 for information and model complaint.)

NOTE C: Theft of property exceeding \$500, and not exceeding \$10,000 in value, is a Class 3 felony (720 ILCS 5/16-1(b)(4)). Theft of property exceeding \$10,000 and not exceeding \$100,000 is a Class 2 Felony (720 ILCS 5/16-1(b)(5)). Theft of property over \$100,000 is a Class 1 Felony (720 ILCS 5/16-1(b)(6)).

COMPLAINT: II - 720 ILCS 5/16-1(a)(1)(A)

Knowingly obtained unauthorized control over property from the person of Don Smith, one 2008 Whutzit, having a total value not exceeding \$500, intending to deprive Don Smith permanently of the use of the property.

NOTE A: Theft of property from the person not exceeding \$500 is a Class 3 Felony. (720 ILCS 5/16-1(b)(4))

NOTE B: For charges of theft of property exceeding \$500 see Note C of Complaint I above.

COMPLAINT: III - 720 ILCS 5/16-1(a)(2)(A)

Knowingly obtained by deception control over one 2008 Whutzit having a value of \$5,000 from Don Smith, a person sixty years of age or older, intending to deprive Don Smith permanently of the use or benefit of that property.

NOTE A: Theft by deception of property worth \$5,000 or more from a person sixty years old or older is a Class 2 Felony. (720 ILCS 5/16-1(b)(7))

NOTE B: Complaints concerning theft of firearms has been deleted by Public Act 91-544 (Eff: 1-1-00). For complaints concerning the illegal possession of stolen firearms see Sections 16-16 and 16-16.1 of this Code.

Legislative History: Codified - Laws 1961, p.1983 (1-1-62); Amended - Laws 1967, p.1802; P.A.s 77-2638, 78-255, 79-840, 79-973, 79-1454, 82-318, 83-715, 84-950, 85-691, 85-753, 85-1030, 85-1209, 85-1296, 85-1440, 89-377, 91-118, 91-360, 91-544, 92-16, 93-520, 94-134, 96-496, 96-534, 96-1000, 96-1301, 96-1532 & 96-1551.

This complaint was amended by P.A. 97-1109. (Eff: 1-1-13)

720 ILCS 5/ 16-1(a)(1)(A)

THEFT

In violation of SECTION 16-1(a)(1)(A) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly exerted¹ unauthorized control over property of Don Smith, one 2012 Whatsit, having a total value in excess² of \$500, intending to deprive Don Smith permanently of the use³ of the property.

¹obtained; ²If property has a value of \$500 or less, if this is a second or subsequent offense and property has a value of \$500 or less or involves theft from the person, see other theft complaints listed in this work.; ³or benefit

NOTE: When a charge of theft of property exceeding \$500 in value is brought, the value of the property involved is an element of his offense to be resolved by the trier of fact as either exceeding or not exceeding \$500. (Section 16-1(c))

CHARGING NOTE: For a general discussion of charging theft offenses based upon the value of the stolen property, see the analysis at the beginning of this Section.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Codified - Laws 1961, p.1983 (1-1-62); Amended - Laws 1967, p.1802; P.A.s 77-2638, 78-255, 79-840, 79-973, 79-1454, 82-318, 83-715, 84-950, 85-691, 85-753, 85-1030, 85-1209, 85-1296, 85-1440, 89-377, 91-118, 91-360, 91-544, 92-16, 93-520, 94-134, 96-496, 96-534, 96-1000, 96-1301, 96-1532 and 96-1551. 97-597, (eff. 1-1-12).

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 16-1(a)(2)(A)

THEFT

In violation of SECTION 16-1(a)(2)(A) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly obtained, by deception, control over property of Don Smith, being one 2008 orange Whatsit, having a total value in excess¹ of \$500, intending to deprive the owner permanently of the use and benefit of the property, in that he, while not being licensed to examine Whatsit by the State of Illinois, held himself out to be a licensed Whatsit examiner in that he, showing false credentials, demanded the right to inspect this 2008 orange Whatsit, as required by law, in his office located at 711 North Street, Union City, Union County, Illinois.

¹See other theft complaints in this work: If property has value of \$500 or less; If this is a second or subsequent offense and property has a value of \$500 or less; If the offense involves theft from the person.

NOTE: Be specific in describing deception used by defendant in obtaining property.

NOTE: For explanation of value as element of this offense see Appendix B.

CHARGING NOTE: For a general discussion of charging theft offenses based upon the value of the stolen property, see the analysis at the beginning of this Section.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This Section was amended by Public Act 96-1301. Effective: 1-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 16-1(a)(3)(A)

THEFT

In violation of SECTION 16-1(a)(3)(A) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly obtained, by threat, control over the property of Don Smith, being one 2008 green Whatsit, having a total value in excess¹ of \$500, intending to deprive Don Smith permanently of the use² of said property, in that he stated to Don Smith that he would punch him in the nose unless the 2008 green Whatsit was turned over to him immediately.³

¹See other theft complaints in this work: If property has value of \$500 or less; if this is a second or subsequent offense and property has a value of \$500 or less; if this offense involves theft from the person; ²or benefit; ³if force or threat of force is used, consider charging defendant with robbery under Section 18-1 of the Criminal Code

NOTE: For explanation of value as element of this offense see Appendix B.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGING NOTE: For a general discussion of charging theft offenses based upon the value of the stolen property, see the analysis at the beginning of this Section.

Legislative History: This Section was amended by Public Act 96-1301. Effective: 1-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 16-1(a)(4)(A)

THEFT

In violation of SECTION 16-1(a)(4)(A) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly obtained control over certain stolen property of Don Smith being one Harley Davidson motorcycle having a total value in excess¹ of \$500 under such circumstances as would reasonably induce said defendant to believe the property was stolen and with intent to deprive Don Smith permanently of the use² of said property.

¹See other theft complaints in this work: If property has value of \$500 or less; if this is a second or subsequent offense and property has a value of \$500 or less; if the offense involves theft from the person; ²or benefit

NOTE: For alternative methods of charging theft, see other theft complaints in this work.

NOTE: It is no longer necessary to prove that the property was stolen by another.

NOTE: For explanation of value as an element of this offense see Appendix B.

CHARGING NOTE: For a general discussion of charging theft offenses based upon the value of the stolen property, see the analysis at the beginning of this Section.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This Section was amended by Public Act 96-1301. Effective: 1-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 16-1(a)(4)(A)

THEFT

In violation of SECTION 16-1(a)(4)(A) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly obtained control over certain stolen property of Don Smith, being one Harley Davidson motorcycle, having a total value in excess¹ of \$500, knowing that the motorcycle had been stolen, intending to deprive Don Smith permanently of the use² of said property.

¹See other theft complaints in this work: If property has value of \$500 or less; If this is a second or subsequent offense and property has a value of \$500 or less; If the offense involves theft from the person; ²or benefit

NOTE: It is no longer necessary to prove that the property was stolen by another.

NOTE: For alternative methods of charging theft, see other theft complaints in this work.

NOTE: For explanation of value as an element of this offense see Appendix B.

CHARGING NOTE: For a general discussion of charging theft offenses based upon the value of the stolen property, see the analysis at the beginning of this Section.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

ADDED CASE AUTHORITY - - People v. Nelson, 336 Ill. App. 3d 517, 784 N. E. 2d 379, 271 Ill. Dec. 161 (3rd Dist., 2003). This subsection withstands a constitutional attack.

Legislative History: This Section was amended by Public Act 96-1301. Effective: 1-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 16-1(a)(5)(A)

THEFT

In violation of SECTION 16-1(a)(5)(A) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with intent to deprive the owner of the use¹ of certain property, knowingly obtained² control over certain property in the custody of the Union City Police Department,³ being one Yamaha motorcycle, having a total value in excess of \$500 but not more than \$10,000.00, which was explicitly represented to the defendant by Don Smith, a Union City police officer⁴ as being stolen, in that said defendant paid Don Smith \$400.00 for the Yamaha motorcycle with a VIN of T7777777.

¹or benefit; ²or exerted; ³or any law enforcement agency; ⁴or any law enforcement officer or any individual acting in behalf of a law enforcement agency

CHARGING NOTE: For a general discussion of charging theft offenses based upon the value of the stolen property, see the analysis at the beginning of this Section.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This Section was amended by Public Act 96-1301. Effective: 1-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 16-2

THEFT OF LOST OR MISLAID PROPERTY

In violation of SECTION 16-2 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), obtained control over lost¹ property, being \$1,000, knowing the identity of the owner,² Don Smith, and failed to take reasonable measures to restore the property to Don Smith, intending to deprive the owner permanently of the use³ of the property.

¹or mislaid; ²or learns the identity of the owner, or knows, or is aware of, or learns of a reasonable method of identifying the owner; ³or benefit

CHARGING NOTE: Theft of lost or mislaid property where: (1) the value does not exceed \$500 is a Class B misdemeanor; (2) the value exceeds \$500 but does not exceed \$10,000 is a Class A misdemeanor; and (3) the value exceeds \$10,000 is a Class 4 felony.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - P.A.s 77-2638 and 78-255. This Section was amended by Public Act 97-0597. Effective: 1-1-12.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

(Amended Complaint)

720 ILCS 5/ 16-3(a)

THEFT OF LABOR OR SERVICES OR USE OF PROPERTY

In violation of SECTION 16-3(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), by means of deception,¹ knowingly obtained the temporary use of property² of We-All-Rent-A-Car, Inc., a corporation licensed to do business in the State of Illinois, being one 2012 Dodge Rambler bearing 2012 Illinois registration UA1-777, which property is available only for hire, in that while holding himself out to be one Ralph King, defendant rented said 2012 Dodge Rambler and thereafter failed to pay for such rental.

¹or threat or knowing that such use is without the consent of the person providing the property, labor or services (be specific); ²or labor or services.

NOTE: For the purposes of this subsection, library material is available for hire.

CHARGING NOTE: For the purpose of sentencing on theft of library material, separate transactions totaling more than \$300 within a 90-day period shall constitute a single offense.

CHARGING NOTE: A person convicted of theft under subsection (a) is guilty of a Class A misdemeanor, except that the theft of library material where the aggregate value exceeds \$300 is a Class 3 felony. *In addition to any other penalty imposed, the court may order a person convicted under this Section to make restitution to the victim of the offense.*

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide.**

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1983); Amended - P.A.s 77-1461, 77-2638, 78-255, 79-936, 82-288, 83-1048, 84-800 and 97-0597 (Effective: 1-1-12); **and by Public Act: 99-534; (Eff: 1-1-17).**

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

(Amended Complaint)

720 ILCS 5/ 16-3(b)(1)

THEFT OF LABOR OR SERVICES OR USE OF PROPERTY

In violation of SECTION 16-3(b)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), after leasing¹ a motor vehicle, one 2012 Chevrolet Nova bearing 2012 registration UR1-777² from We-All-Rent-A-Car, Inc., a corporation licensed to do business in the State of Illinois, under an agreement in writing, which provided for the return of the vehicle to We-All-Rent-A-Car, Inc., located at 777 May Street, Union City, Union County, Illinois, by 12:01 P.M. on May 23, 2012, a copy of said lease is attached hereto and made a part hereof by reference thereto,³ knowingly failed to return the vehicle to the place and at the time specified in the lease, and after being mailed⁴ a written demand for the return of the vehicle on May 31, 2012, at or about 3:00 P.M., said demand being mailed, by certified mail - return receipt requested, to defendant's last known address, knowingly failed to return the vehicle to the place of business of We-All-Rent-A-Car, Inc., within 3 days from the mailing of the written demand.

¹or renting; ²or any other type of personal property exceeding \$500 in value; ³although not indispensable to the validity of the complaint, a copy of the lease agreement should be attached to the complaint if it is available. If unavailable, omit above underlined words; ⁴or served with

CHARGING NOTE: The following are alternative ways of charging this Offense: (b) (2) obtaining a motor vehicle through a "driveaway" service mode of transportation, (b) (3) renting or leasing equipment exceeding \$500 in value including tools, construction or industry equipment, and such items as linens, tableware, tents, tables, chairs and other equipment specially rented for a party or special event, or (b) (4) renting or leasing any other type of personal property exceeding \$500 in value, under an agreement in writing which provides for the return of the vehicle, equipment, or other personal property to a particular place at a particular time, he or she without good cause knowingly fails to return the vehicle, equipment, or other

personal property to that place within the time specified, and is thereafter served or sent a written demand mailed to the last known address, made by certified mail return receipt requested, to return the such vehicle, equipment, or other personal property within 3 days from the mailing of the written demand, and who without good cause knowingly fails to return the vehicle, equipment, or any other personal property to any place of business of the lessor within the return such period. The trier of fact may infer evidence that the person is without good cause if the person signs the agreement with a name or address other than his or her own.

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

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This Section was amended by Public Act 97-0597. Effective: 1-1-12 and by Public Act: 99-534; (Eff: 1-1-17).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

(Amended Complaint)

720 ILCS 5/ 16-3(c)

THEFT OF LABOR OR SERVICES OR USE OF PROPERTY

In violation of SECTION 16-3(c) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), borrowed from the Union City Public Library, a library facility, library material which had an aggregate value exceeding \$300 pursuant to an agreement with¹ the library facility for the return of such library material, and knowingly without good cause failed to return the library material so borrowed in accordance with such agreement, and further knowingly without good cause failed to return such library material within 30 days after receiving written notice by certified mail from the library facility demanding the return of such library material.

¹or a procedure established by; ²or procedure;

SENTENCING NOTE: For the purpose of sentencing on theft of library material, separate transactions totaling more than \$300 within a 90-day period shall constitute a single offense.

CHARGING AND SENTENCING NOTE: A person convicted of theft under subsection (c) is guilty of a petty offense for which the offender may be fined an amount not to exceed \$500 and shall be ordered to reimburse the library for postage costs, attorney's fees, and actual replacement costs of the materials not returned, except that theft under subsection (c) where the aggregate value exceeds \$300 is a Class 3 felony. **In addition to any other penalty imposed, the court may order a person convicted under this Section to make restitution to the victim of the offense.**

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide.**

Legislative History: This Section was created by Public Act 97-0597. Effective: 1-1-12 **and by Public Act: 99-534; (Eff: 1-1-17).**

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 16-5(a)(1)

THEFT FROM COIN-OPERATED MACHINE

In violation of SECTION 16-5(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly opened¹ a coin-operated machine of the U. A. Vending Company, Inc., being a money changing machine, located at 777 May Street, Union City, Union County, Illinois, with the intent to operate² such machine.

¹or broke into, tampered with, or damaged; ²or use

NOTE: Coin-operated machine is defined in Section 16-5b.

NOTE: The phrase "without authority" has been deleted. See Appendix B for an explanation.

CHARGING NOTE: A person who has been convicted of theft from a coin-operated machine and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools or home invasion is guilty of a Class 4 felony. When a person has any such prior conviction, the information or indictment charging that person shall state such prior conviction as to give notice of the State's intention to treat the charge as a felony. The fact of such prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial. (720 ILCS 5/16-5(a)) See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 77-1783 (August 31, 1971); Amended - P.A.s 77-2830 and 85-691, 90-655 and 97-597, (eff. 1-1-12).

CHARGE: Misdemeanor (Class B)

BOND: \$1,500

720 ILCS 5/ 16-5(a)(2)

THEFT FROM COIN-OPERATED MACHINE

In violation of SECTION 16-5(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), knowingly opened¹ a coin-operated machine of the U. A. Vending Company, Inc., being a money changing machine, located at 777 May Street, Union City, Union County, Illinois, with the intent to commit a theft from such machine.

¹or broke into, tampered with, triggered, or damaged.

NOTE: The phrase "without authority" has been deleted. See Appendix B for an explanation.

CHARGING NOTE: This subsection can be violated when the defendant opens, breaks into, tampers with, triggers, or damages a coin-operated machine in order to operate or use that machine. A violation of this subsection is a Class B Misdemeanor. Section 16-5(a)(1)

CHARGING NOTE: A person who has been convicted of theft from a coin-operated machine in violation of subdivision (a)(2) and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools or home invasion is guilty of a Class 4 felony. When a person has any such prior conviction, the information or indictment charging that person shall state such prior conviction as to give notice of the State's intention to treat the charge as a felony. The fact of such prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial. (720 ILCS 5/16-5(a)) See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 77-1783 (August 31, 1971); Amended - P.A.s 77-2830, 85-691 and 97-0597 (Effective: 1-1-12).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 16-6(a)(1)

POSSESSION OF A KEY OR DEVICE OF COIN-OPERATED MACHINE

In violation of SECTION 16-6(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly possessed a key¹ designed to open² a coin-operated vending machine³, with the intent to commit a theft from the machine.

¹a drawing, print, mold of a key, device, or a substance; ²break into, tamper with or damage; ³any coin-operated machine

NOTE: A "substance" means a corrosive or acidic liquid or solid but does not include items purchased through a coin-operated machine at the location or acquired as condiments at the location of the coin-operated machine. (16-6(f))

NOTE: When possession is the essence of the offense, knowledge is the mental state that must be alleged. People v. Smith (1960), 20 Ill. 2d 345 and People v. Farmer (1995), 165 Ill. 2d 194.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 77-1378 (August 31, 1971); Amended - P.A. 77-2830 and 89-31. This Section was recently amended by Public Act 97-0597. Effective: 1-1-12.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 16-6(a)(2)

POSSESSION OF A KEY OR DEVICE OF COIN-OPERATED MACHINE

In violation of SECTION 16-6(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to commit a theft from a coin-operated machine located at 123 West Main Street, Union City, Illinois, used a key¹ and caused loss² to the coin-operated machine of more than \$300.

¹a drawing, print, mold of a key, device, or a substance; ²or damage.

NOTE: A "substance" means a corrosive or acidic liquid or solid but does not include items purchased through a coin-operated machine at the location or acquired as condiments at the location of the coin-operated machine. (16-6(f))

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 77-1783 (August 31, 1971); Amended - P.A. 77-2830 and 89-31. This Section was recently amended by Public Act 97-0597. Effective: 1-1-12.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 16-6(b)(1)

UNLAWFUL USE OF A THEFT DETECTION SHIELDING DEVICE

In violation of SECTION 16-6(b)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly, sold¹ a theft detection shielding device to Sam Smith.

¹or manufactured, offered for sale or distributed;

NOTE: For the purposes of this Section, "theft detection shielding device" means any laminated or coated bag or device peculiar to and marketed for shielding and intended to shield merchandise from detection by an electronic or magnetic theft alarm sensor.

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Act is guilty of a Class 4 felony. The charging instrument must state prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This Section was amended and renumbered by Public Act 97-0597. Effective: 1-1-12.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 16-6(b)(2)

UNLAWFUL POSSESSION OF A THEFT DETECTION SHIELDING DEVICE

In violation of SECTION 16-6(b)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly, possessed a theft detection shielding device with the intent to commit theft¹ therewith.

¹or retail theft

NOTE: For the purposes of this Section, "theft detection shielding device" means any laminated or coated bag or device peculiar to and marketed for shielding and intended to shield merchandise from detection by an electronic or magnetic theft alarm sensor.

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Act is guilty of a Class 4 felony. The charging instrument must state prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This Section was amended and renumbered by Public Act 97-0597. Effective: 1-1-12.

CHARGE: Misdemeanor (Class A) **BOND:** \$1,500

20 ILCS 5/ 16-6(b)(3)

UNLAWFUL POSSESSION OF A THEFT DETECTION DEVICE REMOVER

In violation of SECTION 16-6(b)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly, possessed a theft detection device remover with the intent to use such tool to remove any theft detection device from any merchandise without the permission of the merchant.

¹or the person owning or holding the merchandise;

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Act is guilty of a Class 4 felony. The charging instrument must state prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This Section was amended and renumbered by Public Act 97-0597. Effective: 1-1-12.

CHARGE: Misdemeanor (Class A) **BOND:** \$1,500

720 ILCS 5/ 16-6(c)(1)

UNLAWFUL USE OF A SCANNING DEVICE

In violation of SECTION 16-6(c)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to defraud Don Smith,¹ used a scanning device to obtain² information encoded on the magnetic strip³ of a payment card without the permission of Don Smith, the authorized user of that payment card.

¹or the issuer of the authorized user's payment card or a merchant; ²or access, read, memorize, or store, temporarily or permanently; ³or stripe

NOTE: For definitions of "scanning device," "payment card" and "merchant" see 720 ILCS 5/16-0.1.

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Act is guilty of a Class 3 felony. The charging instrument must state prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by P.A. 92-818 (Eff: 8-21-02). This Section was amended and renumbered by Public Act 97-0597. Effective: 1-1-12.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 16-6(c)(2)

UNLAWFUL USE OF A RE-ENCODING DEVICE

In violation of SECTION 16-6(c)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to defraud Don Smith,¹ used a re-encoder to place information encoded on the magnetic strip² of Don Smith's payment card onto the magnetic strip² of a different card without the permission of Don Smith, the authorized user of that payment card.

¹or the issuer of the authorized user's payment card or a merchant; ²or stripe

NOTE: For definitions of "re-encoder," "payment card" and "merchant" see 720 ILCS 5/16-0.1.

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Act is guilty of a Class 4 felony. The charging instrument must state prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This Section was amended renumbered by Public Act 97-0597. Effective: 1-1-12.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 16-7(a)(1)

UNLAWFUL USE OF RECORDED SOUND¹

In violation of SECTION 16-7(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly² transferred,³ without the consent of the owner, R & B Music, Inc., a corporation licensed to do business in Illinois, a certain sound recorded⁴ on a sound recording, a record album entitled, HOW LOW CAN YOU GO by Billy Bob and the Boys, with the purpose of selling,⁵ for profit, the article to which such sounds⁶ were transferred.

¹or images; ²or recklessly; ³or caused to be transferred; ⁴any sounds or images recorded; ⁵or causing to be sold, or using or causing to be used; ⁶or recording of sounds or images

NOTE: Section 16-7(a)(2) provides: Knowingly or recklessly sells, offers for sale, advertises for sale, uses or causes to be used for profit any such article described in subsection (a)(1) without the consent of the owner.

NOTE: "Sound recording" or "audio visual" means any phonograph record, disc, pre-recorded tape, film, wire, magnetic tape or other object, device or medium, now known or hereafter invented, by which sounds or images may be reproduced with or without the use of any additional machine, equip. or device.

NOTE: With respect to sound recordings (other than accompanying a motion picture or other audiovisual work), this Section applies only to sound recordings that were initially recorded before February 15, 1972. (97-0538)

NOTE: For information concerning fines for specified numbers of sound or audio visual recordings, see subsection C of this Section.

SENTENCING NOTE: (1) If the offense involves more than 100 but not exceeding 1000 unidentified sound recordings or more than 7 but not exceeding 65 unidentified audio visual recordings during any 180 day period the authorized fine is up to \$100,000; and (2) If the offense involves more than 1,000 unidentified sound recordings or more than 65 unidentified audio visual recordings during any 180 day period the authorized fine is up to \$250,000.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 79-456 (August 14, 1975); Amended - P.A. 80-712 and 86-1210. Amended and re-numbered by Public Acts 97-0538 and 97-597; Both Effective: 1-1-12.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 16-7(a)(3)

UNLAWFUL USE OF RECORDED SOUND¹

In violation of SECTION 16-7(a)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly² made available for a fee,³ \$1,000, certain pieces of equipment⁴ for the purpose of use by Don Smith⁵ to transfer⁶ certain sounds¹ recorded on a sound recording to another sound recording,⁷ a record album entitled HOW LOW CAN YOU GO by Billy Bole, without the consent of the owner.

¹or images; ²or recklessly; ³or offered, or for rental or for any other form of compensation; ⁴or machinery; ⁵or any other person; ⁶or reproduce; ⁷or audio visual recording or any sound or audio visual recording to another sound or audio visual recording for the purpose of use by another to manufacture any sound or audio visual recording in violation of Section 16-8 of this Act

NOTE: For definition of "sound recording" see prior page.

NOTE: For information concerning fines for specified numbers of sound or audiovisual recordings see subsection C of this Section.

NOTE: "Manufacture" means the person who actually makes or causes to be made a sound or audiovisual recording. The term manufacture does not include a person who manufactures the medium upon which sounds or visual images can be recorded or stored, or who manufactures the cartridge or casing itself.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was amended by Public Act 97-0597 (Eff: 1-1-12).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 16-7(b)

UNLAWFUL USE OF UNIDENTIFIED SOUND¹ RECORDINGS

In violation of SECTION 16-7(b) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly,² for profit, sold³ to Don Smith unidentified sound recordings, a record album entitled HOW LOW by Billy Bob.

¹audio visual; ²or recklessly or negligently; ³manufactured, advertised or offered for sale, distributed, transported, vended, circulated, performed, leased or possesses for such purposes unidentified sound recordings (OR) caused the manufacture, advertisement or offer for sale, sale, distribution, transportation, vending, circulation, performance, lease or possession for such purposes, unidentified sound or audio visual recordings

NOTE: Each and every individual manufacture, advertisement or offer for sale, sale, distribution, transportation, vending, circulation, performance, lease, or possession for such purposes, unidentified sound or audio visual recordings constitutes a separate violation. (720 ILCS 5/16-7(h))

NOTE: "Unidentified sound or audio visual recording" means a sound recording without the actual name and full and correct street address of the manufacturer, and the name of the actual performers or groups prominently and legibly printed on the outside cover or jacket and on the label of such sound or audio visual recording. (720 ILCS 5/16-0.1)

NOTE: For information concerning fines for specified numbers of unidentified sound or audio visual recordings, see subsection D of this Section.

NOTE: Upon conviction of any violation of subsection (b), the offender shall be sentenced to make restitution to any owner or lawful producer of a master sound or audiovisual recording, or to the trade association representing such owner or lawful producer, that has suffered injury resulting from the crime. The order of restitution shall be based on the aggregate wholesale value of lawfully manufactured and authorized sound or audio visual recordings corresponding to the non-conforming recorded devices involved in the offense, and shall include investigative costs relating to the offense.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 79-456 (August 14, 1975); Amended by Public Act 86-1210. This subsection was amended and renumbered by Public Act 97-0597 (Eff: 1-1-12).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 16-14(a)

THEFT OF UTILITY SERVICE

In violation of SECTION 16-14(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and without authority diverted¹ the public power supply² owned by Illinois Power Corporation.

¹or interfered with; ²or any public water, gas or power supply or other public services

NOTE: This offense may also be committed by installing any device with the intent to divert or interfere with any public water, gas or power supply or other public services without the authority of the owner or entity furnishing or transmitting such product or services.

NOTE: This Section does not apply to the theft of telecommunication services.

CHARGING NOTES: Any person convicted of a second or subsequent offense under this Act is guilty of a Class 4 felony. The charging instrument must state prior conviction. See Appendix A for discussion. This offense is a Class 4 felony if it is committed for remuneration. If the disruption of the public utility services or the delay in the restoration of the public utility services occurs to 10 or more customers or affects an area of more than one square mile, unlawful interference with public utility services is a Class 2 felony. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 83-715 (July 1, 1984); Amended - P.A.s 83-1362, 84-1444, 88-75 & 95-323. This subsection was amended, renamed and renumbered by Public Act 97-0597 (Eff: 1-1-12).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 16-17(a)

THEFT OF ADVERTISING SERVICES

In violation of SECTION 16-17(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly attached¹ an unauthorized advertisement in the Union City News² and redistributed it to the public.³

¹or inserted; ²or any newspaper or periodical; ³or intended to redistribute it to the public

NOTE: In this Section, "unauthorized advertisement" means any form of representation or communication, including any handbill, newsletter, pamphlet, or notice that contains any letters, words, or pictorial representation that is attached to or inserted in a newspaper or periodical without a contractual agreement between the publisher and an advertiser.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 92-428 (Eff: 8-17-01). This subsection was amended and renumbered by Public Act 97-0597 (Eff: 1-1-12).

CHARGE: Misdemeanor (Class A) **BOND:** \$1,500

720 ILCS 5/ 16-17(b)

THEFT OF ADVERTISING SERVICES

In violation of SECTION 16-17(b) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly attached¹ an unauthorized advertisement in the Union City News² and redistributed it to the public.³

¹or inserted; ²or any newspaper or periodical; ³or intended to redistribute it to the public

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 92-428 (Eff: 8-17-01). This subsection was amended by Public Act 97-0597 (Eff: 1-1-12).

CHARGE: Misdemeanor (Class A) **BOND:** \$1,500

720 ILCS 5/ 16-18(a)(1)

TAMPERING WITH COMMUNICATION SERVICES (INJURY TO WIRES)

In violation of SECTION 16-18(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly destroyed¹ a telephone² cable³ belonging to the Union City Telegraph Company and located at 123 West Main Street in Union City, Illinois⁴.

¹or displaced, removed or injured; ²or telegraph; ³or line, wire, pole or conduit; ⁴or the material or property appurtenant thereto;

NOTE: This offense can also be committed where the defendant: (2) cuts, breaks, taps, or makes any connection with any telegraph or telephone line, wire, cable or instrument belonging to another; or (3) reads, takes or copies any message, communication or report intended for another passing over any such telegraph line, wire or cable in this State; or (4) prevents, obstructs or delays by any means or contrivance whatsoever, the sending, transmission, conveyance or delivery in this State of any message, communication or report by or through any telegraph or telephone line, wire or cable; or (5) uses any apparatus to unlawfully do or cause to be done any of the acts described in subdivisions (a)(1) through (a)(4) of this Section;

CHARGING NOTE: A violation of this offense is a Class 4 felony if it is: A) a second or subsequent conviction for a violation of subsection (a); or (B) an offense committed for remuneration; or (C) an offense involving damage or destruction of property in an amount in excess of \$300 or defrauding of services in excess of \$500: See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by P.A. 92-728 (Eff: 1-1-03). Amended: 96-0497. This offense was amended and renumbered by Public Act: 97-0597 (Effective: 1-1-12).

CHARGE: Misdemeanor (Class A) **BOND:** \$1,500

720 ILCS 5/ 16-18(a)(6)(B)

TAMPERING WITH COMMUNICATION SERVICES
(OBTAINING SERVICE WITH THE INTENT TO DEFRAUD)

In violation of SECTION 16-18(a)(6)(B) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly obtained¹ telecommunications services² with the intent to deprive Sam Smith³ of the lawful charge⁴ for those services by charging such services to a false⁵ telephone number.

¹or attempted to obtain; ²any such services; ³or any person; ⁴or in whole or in part; or fictitious, or counterfeit telephone number or to a suspended, terminated, expired, canceled, or revoked telephone number.

CHARGING NOTE: This offense can also be committed where the defendant: (A) charges such service to an existing telephone number without the authority of the subscriber thereto; or (C) uses of a code, prearranged scheme, or other similar stratagem or device whereby said person, in effect, sends or receives information; or (D) publishes the number or code of an existing, canceled, revoked or nonexistent telephone number, credit number or other credit device or method of numbering or coding which is employed in the issuance of telephone numbers, credit numbers or other credit devices which may be used to avoid the payment of any lawful telephone toll charge; or (E) uses any other trick, stratagem, impersonation, false pretense,

false representation, false statement, contrivance, device, or means.

CHARGING NOTE: A violation of this offense is a Class 4 felony if it is: A) a second or subsequent conviction for a violation of subsection (a); or (B) an offense committed for remuneration; or (C) an offense involving damage or destruction of property in an amount in excess of \$300 or defrauding of services in excess of \$500: See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by P.A. 92-728 (Eff: 1-1-03). Amended: 96-0497. This offense was amended and renumbered by Public Act: 97-0597 (Effective: 1-1-12).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 16-18(b)(1)

THEFT OF COMMUNICATION SERVICES

In violation of SECTION 16-18(b)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly obtained¹ a communication service belonging to the Union City Telegraph Company² without the authorization of³ the Union City Telegraph Company².

¹or used; ²the communication service provider; ³or compensation paid to.

CHARGING NOTE: This offense can also be committed where the defendant: (2) possesses, uses, manufactures, assembles, distributes, leases, transfers, or sells, or offers, promotes or advertises for sale, lease, use, or distribution, an unlawful communication device: (A) for the commission of a theft of a communication service or to receive, disrupt, transmit, decrypt, or acquire, or facilitate the receipt, disruption, transmission, decryption or acquisition, of any communication service without the express consent or express authorization of the communication service provider; or(B) to conceal or to assist another to conceal from any communication service provider or from any lawful authority the existence or place of origin or destination of any communication; (3) modifies, alters, programs or reprograms a communication device for the purposes described in subdivision (2)(A) or (2)(B); (4) possesses, uses, manufactures, assembles, leases, distributes, sells, or transfers, or offers, promotes or advertises for sale, use or distribution, any unlawful access device; or(5) possesses, uses, prepares, distributes, gives or otherwise transfers to another or offers, promotes, or advertises for sale, use or distribution, any: an unlawful communication or access device, with the intent to use or employ the unlawful communication or access device, or to allow the same to be used or employed, for a purpose prohibited by this subsection(b), or knowing or having reason to know that the plans or instructions are intended to be used for manufacturing or assembling the unlawful communication or access device for a purpose prohibited by this subsection (b); or(B) material, including hardware, cables, tools, data, computer software or other information or

equipment, knowing that the purchaser or a third person intends to use the material in the manufacture or assembly of an unlawful communication or access device for a purpose prohibited by this subsection (b).

CHARGING NOTE: A violation of this offense is a Class 4 felony if: (A) (i) the violation of subsection (b) involves at least 10, but not more than 50, unlawful communication or access devices; or (ii) the defendant engages in conduct identified in subdivision (b)(3) of this Section with the intention of substantially disrupting and impairing the ability of a communication service provider to deliver communication services to its lawful customers or subscribers; or (iii) the defendant at the time of the commission of the offense is a pre-trial detainee at a penal institution or is serving a sentence at a penal institution; or (iv) the defendant at the time of the commission of the offense is a pre-trial detainee at a penal institution or is serving a sentence at a penal institution and uses any means of electronic communication as defined in Section 26.5-0.1 of this Code for fraud, theft, theft by deception, identity theft, or any other unlawful purpose; or (v) the aggregate value of the service obtained is \$300 or more; or (vi) the violation is for a wired communication service or device and the defendant has been convicted previously for an offense under subsection (b) or for any other type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, or fraud, including violations of the Cable Communications Policy Act of 1984 in this or any federal or other state jurisdiction. (B) A violation of subsection (b) is a Class 3 felony if the violation of subsection (b) involves: (i) more than 50 unlawful communication or access devices; or (ii) the defendant at the time of the commission of the offense is a pre-trial detainee at a penal institution or is serving a sentence at a penal institution and has been convicted previously of an offense under subsection (b) committed by the defendant while serving as a pre-trial detainee in a penal institution or while serving a sentence at a penal institution; or (iii) the defendant at the time of the commission of the offense is a pre-trial detainee at a penal institution or is serving a sentence at a penal institution and has been convicted previously of an offense under subsection (b) committed by the defendant while serving as a pre-trial detainee in a penal institution or while serving a sentence at a penal institution and uses any means of electronic communication as defined in Section 26.5-0.1 of this Code for fraud, theft, theft by deception, identity theft, or any other unlawful purpose; or (iv) the violation is for a wired communication service or device and the defendant has been convicted previously on 2 or more occasions for offenses under subsection (b) or for any other type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, or fraud, including violations of the Cable Communications Policy Act of 1984 in this or any federal or other state jurisdiction. (C) A violation of subsection (b) is a Class 2 felony if the violation is for a wireless communication service or device and the defendant has been convicted previously for an offense under subsection (b) or for any other type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, or fraud, including violations of the Cable Communications Policy Act of 1984 in this or any federal or other state jurisdiction. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by P.A. 92-728 (Eff: 1-1-03). Amended: 96-0497. This offense was amended and renumbered by Public Act: 97-0597 (Effective: 1-1-12) and then amended by P. A. 97-1108. (Eff: 1-1-13).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 16-25(a)(1)

RETAIL THEFT

In violation of SECTION 16-25(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly took possession of¹ certain merchandise offered for sale² in a retail mercantile establishment, Morgan's Boutique, Inc., 777 May Street, Union City, Union County, Illinois, being one (1) mint pant suit size 7 petite, stock number 80612, having a total value in excess of \$300, with the intention of depriving the merchant,³ Morgan Lennon, permanently of the possession⁴ of such merchandise, without paying the full retail value of such merchandise.

¹or carried away, transferred or cause to be carried away or transferred; ²or any merchandise displayed, held, stored; ³merchant defined in Section 16-0.1; ⁴or use or benefit

NOTE: Theft by emergency exit. A person commits theft by emergency exit when he or she commits a retail theft as defined in this subsection and to facilitate the theft he or she leaves the retail mercantile establishment by use of a designated emergency exit. 720 ILCS 5/ 16-25(b)

NOTE: "Full retail value" means the merchant's stated or advertised price of the merchandise. "Full retail value" includes the aggregate value of property obtained from retail thefts committed by the same person as part of a continuing court of conduct from one or more mercantile establishments in a single transaction or in separate transactions over a period of one year. "Continuing course of conduct" means a series of acts, and the accompanying mental state necessary for the crime in question, irrespective of whether the series of acts are continuous or intermittent. 720 ILCS 5/16-0.1

NOTE: Venue. Multiple thefts committed by the same person as a part of a continuing course of conduct in different jurisdictions that have been aggregated in one jurisdiction may be prosecuted in any jurisdiction in which one or more of the thefts occurred. 720 ILCS 5/16-25(d)

NOTE: Permissive inference. If any person: (1) conceals upon his or her person or among his or her belongings un-purchased merchandise displayed, held, stored or offered for sale in a retail mercantile establishment; and (2) removes that merchandise beyond the last known station for receiving payments for that merchandise in that retail mercantile establishment, then the trier of fact may infer that the person possessed, carried away or transferred such merchandise with the intention of retaining it or with the intention of depriving the merchant permanently of the

possession, use or benefit of such merchandise without paying the full retail value of such merchandise. 720 ILCS 5/16-25(c)

CHARGING NOTE: (1) A violation of this subsection, the full retail value of which does not exceed \$300 for property other than motor fuel or \$150 for motor fuel, is a Class A misdemeanor. Theft by emergency exit of property, the full retail value of which does not exceed \$300, is a Class 4 felony. (2) A person who has been convicted of retail theft of property under this subsection, the full retail value of which does not exceed \$300 for property other than motor fuel or \$150 for motor fuel, and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, unlawful use of a credit card, or forgery is guilty of a Class 4 felony. A person who has been convicted of theft by emergency exit of property, the full retail value of which does not exceed \$300, and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, unlawful use of a credit card, or forgery is guilty of a Class 3 felony. (3) Any retail theft of property under this subsection, the full retail value of which exceeds \$300 for property other than motor fuel or \$150 for motor fuel in a single transaction, or in separate transactions committed by the same person as part of a continuing course of conduct from one or more mercantile establishments over a period of one year, is a Class 3 felony. Theft by emergency exit of property, the full retail value of which exceeds \$300 in a single transaction, or in separate transactions committed by the same person as part of a continuing course of conduct from one or more mercantile establishments over a period of one year, is a Class 2 felony. When a charge of retail theft of property or theft by emergency exit of property, the full value of which exceeds \$300, is brought, the value of the property involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$300.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

WARNING: The mandatory presumption provision of 16A-4 is unconstitutional. *People v. Taylor*, 344 Ill. App. 3d 929, 801 N. E. 2d 402, 280 Ill. Dec. 477 (4th Dist., 2003)

Case Law: In *People v. Rowell*, ___ Ill. Dec. ___, (4th Dist., No. 4-04-0481, December 15, 2006), the appellate court ruled that in cases involving multiple thefts, the People must allege that the thefts were made "in furtherance of a single intention or design."

Legislative History: Created - P.A. 79-840 (October 1, 1975); Amended - P.A. 80-352, 84-1391, 85-749, 86-356, 89-373 and 96-1301. This Section was amended by Public Act 96-1301. Effective: 1-1-11. Re-numbered by Public Act 97-0597. Effective: 1-1-12.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 16-25(a)(2)

RETAIL THEFT

In violation of SECTION 16-25(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly removed¹ a price tag² which read \$250 from a Widget offered for sale in the Union City Department Store, a retail mercantile establishment and attempted to purchase said widget at less than the full retail value with the intention of depriving the Union City Department Store of the full retail value of the widget.

¹or altered or transferred; ²or label, marking, indicia of value or any other markings which aid in determining the value; ³or retail mercantile establishment

NOTE: See Appendix B for an explanation of property value as an element of this offense.

NOTE: Theft by emergency exit. A person commits theft by emergency exit when he or she commits a retail theft as defined in this subsection and to facilitate the theft he or she leaves the retail mercantile establishment by use of a designated emergency exit. 720 ILCS 5/ 16-25(b)

NOTE: “Full retail value” means the merchant’s stated or advertised price of the merchandise. “Full retail value” includes the aggregate value of property obtained from retail thefts committed by the same person as part of a continuing course of conduct from one or more mercantile establishments in a single transaction or in separate transactions over a period of one year. “Continuing course of conduct” means a series of acts, and the accompanying mental state necessary for the crime in question, irrespective of whether the series of acts are continuous or intermittent. 720 ILCS 5/16-0.1

NOTE: Venue. Multiple thefts committed by the same person as a part of a continuing course of conduct in different jurisdictions that have been aggregated in one jurisdiction may be prosecuted in any jurisdiction in which one or more of the thefts occurred. 720 ILCS 5/16-25(d)

NOTE: Permissive inference. If any person: (1) conceals upon his or her person or among his or her belongings un-purchased merchandise displayed, held, stored or offered for sale in a retail mercantile establishment; and (2) removes that merchandise beyond the last known station for receiving payments for that merchandise in that retail mercantile establishment, then the trier of fact may infer that the person possessed, carried away or transferred such merchandise with the intention of retaining it or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise. 720 ILCS 5/16-25(c)

CHARGING NOTE: (1) A violation of this subsection, the full retail value of which does not exceed \$300 for property other than motor fuel or \$150 for motor fuel, is a Class A misdemeanor. Theft by emergency exit of property, the full retail value of which does not exceed \$300, is a Class 4 felony. (2) A person who has been convicted of retail theft of property under this subsection, the full retail value of which does not exceed \$300 for property other than motor fuel or \$150 for motor fuel, and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion,

unlawful use of a credit card, or forgery is guilty of a Class 4 felony. A person who has been convicted of theft by emergency exit of property, the full retail value of which does not exceed \$300, and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, unlawful use of a credit card, or forgery is guilty of a Class 3 felony. (3) Any retail theft of property under this subsection, the full retail value of which exceeds \$300 for property other than motor fuel or \$150 for motor fuel in a single transaction, or in separate transactions committed by the same person as part of a continuing course of conduct from one or more mercantile establishments over a period of one year, is a Class 3 felony. Theft by emergency exit of property, the full retail value of which exceeds \$300 in a single transaction, or in separate transactions committed by the same person as part of a continuing course of conduct from one or more mercantile establishments over a period of one year, is a Class 2 felony. When a charge of retail theft of property or theft by emergency exit of property, the full value of which exceeds \$300, is brought, the value of the property involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$300.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This Section was amended by Public Act 97-0597. Effective: 1-1-12.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 16-25(a)(3)

RETAIL THEFT

In violation of SECTION 16-25(a)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly transferred from the container in¹ which the merchandise was displayed to another² container, certain merchandise offered for sale³ in a retail mercantile establishment, J & M Jewelers, Inc., 777 May Street, Union City, Union County, Illinois, a corporation licensed to do business in Illinois, in that he transferred a diamond ring, stock number 7777 valued at \$2,500 from its container to a container that held a Zelcon ring, stock number 66666, valued at \$25, with the intention of depriving the merchant of the full retail value of such merchandise, which exceeded \$300.⁴

¹or on; ²any other; ³or any merchandise displayed, held, stored; ⁴property not exceeding \$300 is a Class A Misdemeanor. Bond is \$1,500

NOTE: See Appendix B for an explanation of property value as an element of this offense.

NOTE: Theft by emergency exit. A person commits theft by emergency exit when he or she commits a retail theft as defined in this subsection and to facilitate the theft he or she leaves the retail mercantile establishment by use of a designated emergency exit. 720 ILCS 5/ 16-25(b)

NOTE: “Full retail value” means the merchant’s stated or advertised price of the merchandise. “Full retail value” includes the aggregate value of property obtained from retail thefts committed by the same person as part of a continuing course of conduct from one or more mercantile establishments in a single transaction or in separate transactions over a period of one year. “Continuing course of conduct” means a series of acts, and the accompanying mental state necessary for the crime in question, irrespective of whether the series of acts are continuous or intermittent. 720 ILCS 5/16-0.1

NOTE: Venue. Multiple thefts committed by the same person as a part of a continuing course of conduct in different jurisdictions that have been aggregated in one jurisdiction may be prosecuted in any jurisdiction in which one or more of the thefts occurred. 720 ILCS 5/16-25(d)

NOTE: Permissive inference. If any person: (1) conceals upon his or her person or among his or her belongings un-purchased merchandise displayed, held, stored or offered for sale in a retail mercantile establishment; and (2) removes that merchandise beyond the last known station for receiving payments for that merchandise in that retail mercantile establishment, then the trier of fact may infer that the person possessed, carried away or transferred such merchandise with the intention of retaining it or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise. 720 ILCS 5/16-25(c)

CHARGING NOTE: (1) A violation of this subsection, the full retail value of which does not exceed \$300 for property other than motor fuel or \$150 for motor fuel, is a Class A misdemeanor. Theft by emergency exit of property, the full retail value of which does not exceed \$300, is a Class 4 felony. (2) A person who has been convicted of retail theft of property under this subsection, the full retail value of which does not exceed \$300 for property other than motor fuel or \$150 for motor fuel, and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, unlawful use of a credit card, or forgery is guilty of a Class 4 felony. A person who has been convicted of theft by emergency exit of property, the full retail value of which does not exceed \$300, and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, unlawful use of a credit card, or forgery is guilty of a Class 3 felony. (3) Any retail theft of property under this subsection, the full retail value of which exceeds \$300 for property other than motor fuel or \$150 for motor fuel in a single transaction, or in separate transactions committed by the same person as part of a continuing course of conduct from one or more mercantile establishments over a period of one year, is a Class 3 felony. Theft by emergency exit of property, the full retail value of which exceeds \$300 in a single transaction, or in separate transactions committed by the same person as part of a continuing course of conduct from one or more mercantile establishments over a period of one year, is a Class 2 felony. When a charge of retail theft of property or theft by emergency exit of property, the full value of which exceeds \$300, is brought, the value of the property involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$300.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

WARNING: The mandatory presumption provision of 16A-4 is unconstitutional. People v. Taylor, 344 Ill. App. 3d 929, 801 N. E. 2d 402, 280 Ill. Dec. 477 (4th Dist., 2003)

Legislative History: This Section was amended by Public Act 97-0597. Effective: 1-1-12.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 16-25(a)(4)

RETAIL THEFT

In violation of SECTION 16-25(a)(4) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), an employee of Morgan's Boutique, Inc., 777 May Street, Union City, Union County, Illinois, a corporation licensed to do business in Illinois, knowingly under-rang¹ certain merchandise in that he caused the cash register to reflect \$4 for the purchase of a pant suit, size 3 petite, stock number 777, retail value \$790, with the intention of depriving the merchant,² Morgan Lennon, of the full retail value of such merchandise which exceeded \$300.³

¹for purposes of this Section, "under-ring" means to cause the cash register or other sales recording device to reflect less than the full retail value of the merchandise (Section 16A-2.11); ²merchant defined in Section 16-0.1; ³property not exceeding \$300, Class A Misdemeanor, Bond \$1,500

NOTE: See Appendix B for an explanation of property value as an element of this offense.

NOTE: Theft by emergency exit. A person commits theft by emergency exit when he or she commits a retail theft as defined in this subsection and to facilitate the theft he or she leaves the retail mercantile establishment by use of a designated emergency exit. 720 ILCS 5/ 16-25(b)

NOTE: “Full retail value” means the merchant’s stated or advertized price of the merchandise. “Full retail value” includes the aggregate value of property obtained from retail thefts committed by the same person as part of a continuing court of conduct from one or more mercantile establishments in a single transaction or in separate transactions over a period of one year. “Continuing course of conduct” means a series of acts, and the accompanying mental state necessary for the crime in question, irrespective of whether the series of acts are continuous or intermittent. 720 ILCS 5/16-0.1

NOTE: Venue. Multiple thefts committed by the same person as a part of a continuing course of conduct in different jurisdictions that have been aggregated in one jurisdiction may be prosecuted in any jurisdiction in which one or more of the thefts occurred. 720 ILCS 5/16-25(d)

NOTE: Permissive inference. If any person: (1) conceals upon his or her person or among his or her belongings un-purchased merchandise displayed, held, stored or offered for sale in a retail mercantile establishment; and (2) removes that merchandise beyond the last known station for receiving payments for that merchandise in that retail mercantile establishment, then the trier of fact may infer that the person possessed, carried away or transferred such merchandise with the

intention of retaining it or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise. 720 ILCS 5/16-25(c)

CHARGING NOTE: (1) A violation of this subsection, the full retail value of which does not exceed \$300 for property other than motor fuel or \$150 for motor fuel, is a Class A misdemeanor. Theft by emergency exit of property, the full retail value of which does not exceed \$300, is a Class 4 felony. (2) A person who has been convicted of retail theft of property under this subsection, the full retail value of which does not exceed \$300 for property other than motor fuel or \$150 for motor fuel, and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, unlawful use of a credit card, or forgery is guilty of a Class 4 felony. A person who has been convicted of theft by emergency exit of property, the full retail value of which does not exceed \$300, and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, unlawful use of a credit card, or forgery is guilty of a Class 3 felony. (3) Any retail theft of property under this subsection, the full retail value of which exceeds \$300 for property other than motor fuel or \$150 for motor fuel in a single transaction, or in separate transactions committed by the same person as part of a continuing course of conduct from one or more mercantile establishments over a period of one year, is a Class 3 felony. Theft by emergency exit of property, the full retail value of which exceeds \$300 in a single transaction, or in separate transactions committed by the same person as part of a continuing course of conduct from one or more mercantile establishments over a period of one year, is a Class 2 felony. When a charge of retail theft of property or theft by emergency exit of property, the full value of which exceeds \$300, is brought, the value of the property involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$300.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This Section was amended by Public Act 97-0597. Effective: 1-1-12.

CHARGE: Felony (Class 3) **BOND:** Must be Set by Judge

720 ILCS 5/ 16-25(a)(5)

RETAIL THEFT

In violation of SECTION 16-25(a)(5) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly removed a shopping cart, number 777, having a total retail value exceeding \$150¹, from the premises of a retail mercantile establishment, Morgan Lemon and Cindy Lemon, a partnership, doing business as M and C Boutique, 777 May Street, Union City, Union County, Illinois, without the consent of the merchant² Morgan Lemon and Cindy Lemon, at the time of such removal, with the intention of depriving the merchant permanently of the possession³ of such cart.

¹property not exceeding \$300 is a Class A Misdemeanor. Bond is \$1,500; ²merchant defined in Section 16-0.1; ³or use or benefit

NOTE: See Appendix B for an explanation of property value as an element of this offense.

NOTE: Theft by emergency exit. A person commits theft by emergency exit when he or she commits a retail theft as defined in this subsection and to facilitate the theft he or she leaves the retail mercantile establishment by use of a designated emergency exit. 720 ILCS 5/ 16-25(b)

NOTE: “Full retail value” means the merchant’s stated or advertised price of the merchandise. “Full retail value” includes the aggregate value of property obtained from retail thefts committed by the same person as part of a continuing course of conduct from one or more mercantile establishments in a single transaction or in separate transactions over a period of one year. “Continuing course of conduct” means a series of acts, and the accompanying mental state necessary for the crime in question, irrespective of whether the series of acts are continuous or intermittent. 720 ILCS 5/16-0.1

NOTE: Venue. Multiple thefts committed by the same person as a part of a continuing course of conduct in different jurisdictions that have been aggregated in one jurisdiction may be prosecuted in any jurisdiction in which one or more of the thefts occurred. 720 ILCS 5/16-25(d)

NOTE: Permissive inference. If any person: (1) conceals upon his or her person or among his or her belongings un-purchased merchandise displayed, held, stored or offered for sale in a retail mercantile establishment; and (2) removes that merchandise beyond the last known station for receiving payments for that merchandise in that retail mercantile establishment, then the trier of fact may infer that the person possessed, carried away or transferred such merchandise with the intention of retaining it or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise. 720 ILCS 5/16-25(c)

CHARGING NOTE: (1) A violation of this subsection, the full retail value of which does not exceed \$300 for property other than motor fuel or \$150 for motor fuel, is a Class A misdemeanor. Theft by emergency exit of property, the full retail value of which does not exceed \$300, is a Class 4 felony. (2) A person who has been convicted of retail theft of property under this subsection, the full retail value of which does not exceed \$300 for property other than motor fuel or \$150 for motor fuel, and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, unlawful use of a credit card, or forgery is guilty of a Class 4 felony. A person who has been convicted of theft by emergency exit of property, the full retail value of which does not exceed \$300, and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, unlawful use of a credit card, or forgery is guilty of a Class 3 felony. (3) Any retail theft of property under this subsection, the full retail value of which exceeds \$300 for property other than motor fuel or \$150 for motor fuel in a single transaction, or in separate transactions committed by the same person as part of a continuing course of conduct from one or more mercantile establishments over a period of one year, is a Class 3 felony. Theft by emergency exit of property, the full retail value of which exceeds \$300 in a single transaction, or in separate transactions committed by the same person as part of a continuing course of conduct from one or more mercantile establishments

over a period of one year, is a Class 2 felony. When a charge of retail theft of property or theft by emergency exit of property, the full value of which exceeds \$300, is brought, the value of the property involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$300.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This Section was amended and renumbered by Public Act 97-0597. Effective: 1-1-12.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 16-25(a)(6)

RETAIL THEFT

In violation of SECTION 16-25(a)(6) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), knowingly falsely represented to Don Smith, a merchant, that he, the defendant, was the lawful owner of a 36-inch Bojo color television set,¹ with a full retail value in excess of \$600² and conveyed³ that television set to Don Smith, who was in fact the lawful owner of such television set, in exchange for \$450 United States Currency.⁴

¹any property sold by that merchant; ²property not exceeding \$300 is a Class A misdemeanor. Bond is \$1,500; ³or attempted to convey; ⁴or for merchandise credit or other property of the merchant

NOTE: See Appendix B for an explanation of property value as an element of this offense.

NOTE: Theft by emergency exit. A person commits theft by emergency exit when he or she commits a retail theft as defined in this subsection and to facilitate the theft he or she leaves the retail mercantile establishment by use of a designated emergency exit. 720 ILCS 5/ 16-25(b)

NOTE: “Full retail value” means the merchant’s stated or advertised price of the merchandise. “Full retail value” includes the aggregate value of property obtained from retail thefts committed by the same person as part of a continuing course of conduct from one or more mercantile establishments in a single transaction or in separate transactions over a period of one year. “Continuing course of conduct” means a series of acts, and the accompanying mental state necessary for the crime in question, irrespective of whether the series of acts are continuous or intermittent. 720 ILCS 5/16-0.1

NOTE: Venue. Multiple thefts committed by the same person as a part of a continuing course of conduct in different jurisdictions that have been aggregated in one jurisdiction may be prosecuted in any jurisdiction in which one or more of the thefts occurred. 720 ILCS 5/16-25(d)

NOTE: Permissive inference. If any person: (1) conceals upon his or her person or among his or her belongings un-purchased merchandise displayed, held, stored or offered for sale in a retail mercantile establishment; and (2) removes that merchandise beyond the last known station for receiving payments for that merchandise in that retail mercantile establishment, then the trier of fact may infer that the person possessed, carried away or transferred such merchandise with the intention of retaining it or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise. 720 ILCS 5/16-25(c)

CHARGING NOTE: (1) A violation of this subsection, the full retail value of which does not exceed \$300 for property other than motor fuel or \$150 for motor fuel, is a Class A misdemeanor. Theft by emergency exit of property, the full retail value of which does not exceed \$300, is a Class 4 felony. (2) A person who has been convicted of retail theft of property under this subsection, the full retail value of which does not exceed \$300 for property other than motor fuel or \$150 for motor fuel, and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, unlawful use of a credit card, or forgery is guilty of a Class 4 felony. A person who has been convicted of theft by emergency exit of property, the full retail value of which does not exceed \$300, and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, unlawful use of a credit card, or forgery is guilty of a Class 3 felony. (3) Any retail theft of property under this subsection, the full retail value of which exceeds \$300 for property other than motor fuel or \$150 for motor fuel in a single transaction, or in separate transactions committed by the same person as part of a continuing course of conduct from one or more mercantile establishments over a period of one year, is a Class 3 felony. Theft by emergency exit of property, the full retail value of which exceeds \$300 in a single transaction, or in separate transactions committed by the same person as part of a continuing course of conduct from one or more mercantile establishments over a period of one year, is a Class 2 felony. When a charge of retail theft of property or theft by emergency exit of property, the full value of which exceeds \$300, is brought, the value of the property involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$300.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This Section was amended and renumbered by Public Act 97-0597. Effective: 1-1-12.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 16-25(a)(7)

RETAIL THEFT

In violation of SECTION 16-25(a)(7) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly possessed¹ a theft detection shielding device² in the Union City Department Store located at 777 May Street, Union City, Illinois, with the intention of using that device to deprive Don Smith, the owner of the Union City Department Store, permanently of the possession³ of merchandise offered for sale⁴ in the Union City Department Store without paying the full retail value of such merchandise.

¹or used; ²or a theft detection device remover; ³or use or benefit; ⁴or displayed or held or stored

NOTE: See Appendix B for an explanation of property value as an element of this offense.

CHARGING NOTE: A violation of this subsection is a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense. The charging instrument must state prior conviction. See Appendix B and the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 16-25(a)(8)

RETAIL THEFT

In violation of SECTION 16-25(a)(8) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), leased a 2008 Ford Falcon¹ with a VIN of 7777777H7, with a full retail value of more than \$300, from Don Smith Motors, the owner of that automobile and thereafter exerted² unauthorized control over that automobile by failing to return that automobile to Don Smith Motors in accordance with the provisions of the lease agreement³ within 10 days after receiving a written demand from Don Smith Motors for the return of that automobile and the defendant thereby intended to permanently deprive Don Smith Motors of the use⁴ of that automobile.

¹or any personal property; ²or obtained; ³or if the lessee fails to pay the full retail value of such property to the lessor in satisfaction of any contractual provision requiring such; ⁴or benefit

NOTE: A notice in writing, given after the expiration of the leasing agreement by registered mail, to the lessee at the address given by the lessor and shown on the leasing agreement shall constitute proper demand.

NOTE: See Appendix B for an explanation of property value as an element of this offense.

NOTE: Theft by emergency exit. A person commits theft by emergency exit when he or she commits a retail theft as defined in this subsection and to facilitate the theft he or she leaves the retail mercantile establishment by use of a designated emergency exit. 720 ILCS 5/ 16-25(b)

NOTE: “Full retail value” means the merchant’s stated or advertized price of the merchandise. “Full retail value” includes the aggregate value of property obtained from retail thefts committed by the same person as part of a continuing course of conduct from one or more mercantile establishments in a single transaction or in separate transactions over a period of one year. “Continuing course of conduct” means a series of acts, and the accompanying mental state necessary for the crime in question, irrespective of whether the series of acts are continuous or intermittent. 720 ILCS 5/16-0.1

NOTE: Venue. Multiple thefts committed by the same person as a part of a continuing course of conduct in different jurisdictions that have been aggregated in one jurisdiction may be prosecuted in any jurisdiction in which one or more of the thefts occurred. 720 ILCS 5/16-25(d)

NOTE: Permissive inference. If any person: (1) conceals upon his or her person or among his or her belongings un-purchased merchandise displayed, held, stored or offered for sale in a retail mercantile establishment; and (2) removes that merchandise beyond the last known station for receiving payments for that merchandise in that retail mercantile establishment, then the trier of fact may infer that the person possessed, carried away or transferred such merchandise with the intention of retaining it or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise. 720 ILCS 5/16-25(c)

CHARGING NOTE: (1) A violation of this subsection, the full retail value of which does not exceed \$300 for property other than motor fuel or \$150 for motor fuel, is a Class A misdemeanor. Theft by emergency exit of property, the full retail value of which does not exceed \$300, is a Class 4 felony. (2) A person who has been convicted of retail theft of property under this subsection, the full retail value of which does not exceed \$300 for property other than motor fuel or \$150 for motor fuel, and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, unlawful use of a credit card, or forgery is guilty of a Class 4 felony. A person who has been convicted of theft by emergency exit of property, the full retail value of which does not exceed \$300, and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, unlawful use of a credit card, or forgery is guilty of a Class 3 felony. (3) Any retail theft of property under this subsection, the full retail value of which exceeds \$300 for property other than motor fuel or \$150 for motor fuel in a single transaction, or in separate transactions committed by the same person as part of a continuing course of conduct from one or more mercantile establishments over a period of one year, is a Class 3 felony. Theft by emergency exit of property, the full retail value of which exceeds \$300 in a single transaction, or in separate transactions committed by the same

person as part of a continuing course of conduct from one or more mercantile establishments over a period of one year, is a Class 2 felony. When a charge of retail theft of property or theft by emergency exit of property, the full value of which exceeds \$300, is brought, the value of the property involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$300.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This Section was amended by Public Act 97-0597. Effective: 1-1-12.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 16-28(a)(2)

DELIVERY CONTAINER THEFT

In violation of SECTION 16-28(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly, and without the authority of the Union City Dairy, sold¹ a delivery container to Don Smith which was marked with the name² of the Union City Dairy.

¹or offered for sale; ²or mark

NOTE: Alternative methods of charging this offense are where the defendant: (1) Uses for any purpose, when not on the premises of the owner or an adjacent parking area, a delivery container of another person which is marked by a name or mark unless the use is authorized by the owner. (3) Defaces, obliterates, destroys, covers up or otherwise removes or conceals a name or mark on a delivery container of another person without the written consent of the owner. (4) Removes the delivery container of another person from the premises, parking area or any other area under the control of any processor, distributor or retail establishment, or from any delivery vehicle, without the consent of the owner of the delivery container. NOTE: If a person possesses any marked or named delivery container without the consent of the owner and while not on the premises, parking area or other area under control of a processor, distributor or retail establishment doing business with the owner, the trier of fact may infer that the person removed the delivery container in violation of this paragraph.

NOTE: "Delivery Container" means any bakery basket of wire or plastic used to transport or store break or bakery products, any dairy case of wire or plastic used to transport or store dairy products, and any dolly or cart of 2 or 4 wheels used to transport or store any bakery or dairy product. 720 ILCS 5/ 16-0.1

CHARGING AND SENTENCING NOTES: Delivery container theft is a Class B misdemeanor. An offender may be sentenced to pay a fine of \$150 for the first offense and \$500 for a second or subsequent offense.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 87-613 (January 1, 1992). This Section was amended by Public Act 97-0597. Effective: 1-1-12.

CHARGE: Misdemeanor (Class B)

BOND: \$1,500

720 ILCS 5/ 16-30(a)(1)

IDENTITY THEFT

In violation of SECTION 16-30(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly used a personal identification document¹ of Sam Smith, a debit card from the Union City Bank,² to fraudulently obtain \$250.³

¹or personal identification information (A definition of "personal identification document" and "personal identification information" may be found in Section 16G-10(a) & (b)); ²or any such document or information; ³or credit, money, goods, services, or other property

CHARGING NOTE: Alternative methods of charging this offense are as follows: he or she knowingly (2) uses any personal identification information or personal identification document(s) of another with the intent to commit any felony theft or other felony violation of State law not set forth in paragraph (1) of this subsection (a), or (3) obtains, records, possesses, sells, transfers, purchases, or manufactures any personal identification information or personal identification document of another with the intent to commit or to aid or abet another in committing any felony theft or other felony violation of State law, or (4) uses, obtains, records, possesses, sells, transfers, purchases, or manufactures any personal identification information or personal identification document of another knowing that such personal identification information or personal identification documents were stolen or produced without lawful authority, or (5) uses, transfers, or possesses document-making implements to produce false identification or false documents with knowledge that they will be used by the person or another to commit any felony theft or other felony violation of State law, or (6) uses any personal identification information or personal identification document of another to portray himself or herself as that person, or otherwise, for the purpose of gaining access to any personal identification information or personal identification document of that person, without the prior express permission of that person, or (7) uses any personal identification information or personal identification document of another for the purpose of gaining access to any record of the actions taken, communications made or received, or other activities or transactions of that person, without the prior express permission of that person, or (7.5) uses, possesses, or transfers a radio frequency identification device capable of obtaining or processing personal identifying information from a radio frequency identification (RFID) tag or transponder with knowledge that the device will be used by the person or another to commit a felony violation of State law or any violation of this Article; (97-338) or (8) in the course of applying for a building permit with a

unit of a local government, provides the license number of a roofing or fire sprinkler contractor whom he or she does not intend to have perform the work on the roofing or the fire sprinkler portion of the project.

SENTENCING NOTE: A person who is convicted of a violation of this subsection is liable in a civil action to the person who suffered damages as a result of the violation. The person suffering damages may recover court costs, attorney's fees, lost wages, and actual damages. (720 ILCS 5/16G-21 (new)).

LIMITATIONS NOTE: A prosecution for any offense set forth in Section 16-30 may be commenced within 5 years after the discovery of the offense by the victim of that offense.

VENUE NOTE: A person who commits the offense of identity theft or aggravated identity theft may be tried in any one of the following counties in which: (1) the offense occurred; (2) the information used to commit the offense was illegally used; or (3) the victim resides. If a person is charged with more than one violation of identity theft or aggravated identity theft and those violations may be tried in more than one county, any of those counties is a proper venue for all of the offenses.

IMPORTANT: There are many types of felony classifications for violating this subsection. For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 91-517 (Eff: 8-13-99). Amended by Public Act 92-686, 93-39, 94-827, 94-1008, 95-60, 96-1324 and 96-1455. This subsection was amended by Public Act: 97-338 and amended and renumbered by Public Act 97-0597 (Both Effective: 1/1/12). It was then amended by P. A. 97-1109. (Eff: 1-1-13).

CHARGE: Felony (Class 4)

BOND: Must be set by a Judge

720 ILCS 5/ 16-30(b)(1)

AGGRAVATED IDENTITY THEFT

In violation of SECTION 16-30(b)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly used a personal identification document¹ of Don Smith, a debit card from the Union City Bank,² to fraudulently obtain \$250³ in the name of Don Smith, a person 60 years of age or older.⁴

¹or personal identification information (A definition of "personal identification document" and "personal identification information" may be found in Section 16-0.1;

²or any such document or information; ³or credit, money, goods, services, or other property; ⁴or a person with a disability as defined in Section 16-0.1 of this Code

LIMITATIONS NOTE: A prosecution for any offense set forth in Section 16-30 may be commenced within 5 years after the discovery of the offense by the victim of that offense.

VENUE NOTE: A person who commits the offense of identity theft or aggravated identity theft may be tried in any one of the following counties in which: (1) the offense occurred; (2) the information used to commit the offense was illegally used; or (3) the victim resides. If a person is charged with more than one violation of identity theft or aggravated identity theft and those violations may be tried in more than one county, any of those counties is a proper venue for all of the violations.

IMPORTANT: There are numerous sentencing variations for this offense based upon the value of the property taken by the defendant or the type of that property. For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 91-517 (Eff: 8-13-99). Amended by Public Acts 92-301, 94-39, 94-51, 94-253, 95-199 and 96-0243. This complaint was amended by Public Act 97-0597 (Eff: 1-1-12.).

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 16-30(b)(2)

AGGRAVATED IDENTITY THEFT

In violation of SECTION 16G-20(b)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly used a personal identification document¹ of Don Smith, a debit card from the Union City Bank,² to fraudulently obtain \$250³ and such conduct was committed in furtherance of the activities of an organized gang.⁴

¹or personal identification information (A definition of "personal identification document" and "personal identification information" may be found in Section 16-0.1 ;
²or any such document or information; ³or credit, money, goods, services, or other property; ⁴for purposes of this Section, "organized gang" has the meaning ascribed to that term in Section 10 of the Illinois Street-gang Terrorism Omnibus Prevention Act

LIMITATIONS NOTE: A prosecution for any offense set forth in Section 16-30 may be commenced within 5 years after the discovery of the offense by the victim of that offense.

VENUE NOTE: A person who commits the offense of identity theft or aggravated identity theft may be tried in any one of the following counties in which: (1) the offense occurred; (2) the information used to commit the offense was illegally used; or (3) the victim resides. If a person is charged with more than one violation of identity theft or aggravated identity theft and those violations may be tried in more than one county, any of those counties is a proper venue for all of the violations.

IMPORTANT: There are numerous sentencing variations for this offense based upon the value of the property taken by the defendant or the type of that property. For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was amended and renumbered by Public Act 97-0597 (Eff: 1-1-12.).

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 16-31(a)(i)

UNLAWFUL TRANSMISSION OF PERSONAL IDENTIFICATION
INFORMATION

In violation of SECTION 16-31(a)(i) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a person who was not a party to a transaction between Don Smith and Bill Byier that involved the use of a financial transaction device, knowingly and secretly¹ photographed² the personal identifying information that Bill Byier used in that transaction without the consent of Bill Byier.

¹or surreptitiously; ²or otherwise captured or recorded, electronically.

NOTE: This offense may also be committed when a defendant knowingly distributes, disseminates, or transmits, electronically or by any other means, personal identifying information from the transaction without the consent of the person whose information is photographed, or otherwise captured, recorded, distributed, disseminated, or transmitted. 720 ILCS 5/ 16-31(a)(ii).

NOTE: For a definition of "Financial transaction device," see subsection 16-0.1.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This Offense was created by Public Act 94-38. (Eff: 6-16-05) This Section was amended and renumbered by Public Act 97-0597. Effective: 1-1-12.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 16-32(a)

FACILITATING IDENTITY THEFT

In violation of SECTION 16-32(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while in the course of his employment¹ wherein he had access to the personal information of another person in possession of the State of Illinois,² knowingly and with the intent of committing identity theft,³ disposed of that written⁴ information in a trash can⁵ that the public could gain access to and said defendant failed to shred that information⁶ so that the information was either unintelligible or destroyed.

¹or official duties; ²whether written, recorded, or on a computer disk; ³or aggravated identity theft or any violation of the Illinois Financial Crime Law; ⁴or recorded or computerized; ⁵or any receptacle or other container; ⁶or destroy the recording or wipe the computer disk

NOTE: For purposes of this Section, "personal information" has the meaning provided in the Personal Information Protection Act.

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Act is guilty of a Class 4 felony. The charging instrument must state prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This offense was renumbered by Public Act 97-0597 (Eff: 1-1-12.).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 16-40(a)

UNLAWFUL ONLINE SALE OF STOLEN PROPERTY

In violation of SECTION 16-40(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), used¹ the Internet with the intent of selling property which was gained through unlawful means and the full retail value of which exceeded \$300, to wit: (describe the property and the unlawful means.)

¹or accesses

NOTE: The "Internet" means an interactive computer service or system or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the Internet, or any comparable system or service and also includes, but is not limited to, a World Wide Web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service. "On-line" means the use of any electronic or wireless device to access the Internet. A "Computer" means a device that accepts, processes, stores, retrieves or outputs data, and includes but is not limited to auxiliary storage and telecommunications devices connected to computers.

CHARGING NOTE: If the full retail value of the stolen property did not exceed \$300, the offense would be a Class 4 felony. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by Public Act 94-179 (Eff: 7-12-05). Amended: 96-1301. This offense was renumbered by Public Act 97-0597 (Eff: 1-1-12).

CHARGE: Felony (Class 2) **BOND:** Must be set by Judge

720 ILCS 5/ 16-40(b)

UNLAWFUL ONLINE THEFT BY DECEPTION

In violation of SECTION 16-40(b) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), used the Internet to purchase¹ property, the full retail value of which exceeded \$300, from Don Smith with a mode of payment that the defendant knew was stolen,² to wit: (describe the property and the unlawful mode of payment.)

¹or attempt to purchase; ²or any mode of payment that the defendant knew was fictitious, stolen, or lacking the consent of the valid account holder.

NOTE: The "Internet" means an interactive computer service or system or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the Internet, or any comparable system or service and also includes, but is not limited to, a World Wide Web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service. "On-line" means the use of any electronic or wireless device to access the Internet. A "Computer" means a device that accepts, processes, stores, retrieves or outputs data, and includes but is not limited to auxiliary storage and telecommunications devices connected to computers. Section 16-0.1

CHARGING NOTE: If the full retail value of the stolen property did not exceed \$300, the offense would be a Class 4 felony. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by Public Act 94-179 (Eff: 7-12-05). Amended: 96-1301. This offense was renumbered by Public Act 97-0597 (Eff: 1-1-12).

CHARGE: Felony (Class 2)

BOND: Must be set by Judge

720 ILCS 5/ 16-40(c)

UNLAWFUL ONLINE FENCING

In violation of SECTION 16-40(c) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing that the vehicle¹ was stolen, used the Internet to sell a 2008 Ford Falcon¹ the full retail value of which exceeded \$300, to Don Smith.

¹or any property

NOTE: The "Internet" means an interactive computer service or system or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the Internet, or any comparable system or service and also includes, but is not limited to, a World Wide Web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service. "On-line" means the use of any electronic or wireless device to access the Internet. A "Computer" means a device that accepts, processes, stores, retrieves or outputs data, and includes but is not limited to auxiliary storage and telecommunications devices connected to computers.

CHARGING NOTE: If the full retail value of the stolen property did not exceed \$300, the offense would be a Class 4 felony. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by Public Act 94-179 (Eff: 7-12-05). Amended: 96-1301. This offense was renumbered by Public Act 97-0597 (Eff: 1-1-12).

CHARGE: Felony (Class 2)

BOND: Must be set by Judge

720 ILCS 5/17-0.5

FRAUD RELATED DEFINITIONS

Sec. 17-0.5. Definitions. In this Article:

"Altered credit card or debit card" means any instrument or device, whether known as a credit card or debit card, which has been changed in any respect by addition or deletion of any material, except for the signature by the person to whom the card is issued.

"Cardholder" means the person or organization named on the face of a credit card or debit card to whom or for whose benefit the credit card or debit card is issued by an issuer.

"Computer" means a device that accepts, processes, stores, retrieves, or outputs data and includes, but is not limited to, auxiliary storage and telecommunications devices connected to computers.

"Computer network" means a set of related, remotely connected devices and any communications facilities including more than one computer with the capability to transmit data between them through the communications facilities.

"Computer program" or **"program"** means a series of coded instructions or statements in a form acceptable to a computer which causes the computer to process data and supply the results of the data processing.

"Computer services" means computer time or services, including data processing services, Internet services, electronic mail services, electronic message services, or information or data stored in connection therewith.

"Counterfeit" means to manufacture, produce or create, by any means, a credit card or debit card without the purported issuer's consent or authorization.

"Credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate or any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value on credit or in consideration or an undertaking or guaranty by the issuer of the payment of a check drawn by the cardholder.

"Data" means a representation in any form of information, knowledge, facts, concepts, or instructions, including program documentation, which is prepared or has been prepared in a formalized manner and is stored or processed in or transmitted by a computer or in a system or network. Data is considered property and may be in any form, including, but not limited to, printouts, magnetic or optical storage media, punch cards, or data stored internally in the memory of the computer.

"Debit card" means any instrument or device, known by any name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services, and anything else of value, payment of which is made against funds previously deposited by the cardholder. A debit card, which also can be used to obtain money, goods, services and anything else of value on credit shall not be considered a debit card when it is being used to obtain money, goods, services or anything else of value on credit.

"Document" includes, but is not limited to, any document, representation, or image produced manually, electronically, or by computer.

"Electronic fund transfer terminal" means any machine or device that, when properly activated, will perform any of the following services: (1) Dispense money as a debit to the cardholder's account; or (2) Print the cardholder's account balances on a statement; or (3) Transfer funds between a cardholder's accounts; or (4) Accept payments on a cardholder's loan; or (5) Dispense cash advances on an open end credit or a revolving charge agreement; or (6) Accept deposits to a customer's account; or (7) Receive inquiries of verification of checks and dispense information that verifies that funds are available to cover such checks; or (8) Cause money to be transferred electronically from a cardholder's account to an account held by any business, firm, retail merchant, corporation, or any other organization.

"Electronic funds transfer system", hereafter referred to as "EFT System", means that system whereby funds are transferred electronically from a cardholder's account to any other account.

"Electronic mail service provider" means any person who (i) is an intermediary in sending or receiving electronic mail and (ii) provides to end-users of electronic mail services the ability to send or receive electronic mail.

"Expired credit card or debit card" means a credit card or debit card that is no longer valid because the term on it has elapsed.

"False academic degree" means a certificate, diploma, transcript, or other document purporting to be issued by an institution of higher learning or purporting to indicate that a person has completed an organized academic program of study at an institution of higher learning when the person has not completed the organized academic program of study indicated on the certificate, diploma, transcript, or other document.

"False claim" means any statement made to any insurer, purported insurer, servicing corporation, insurance broker, or insurance agent, or any agent or employee of one of those entities, and made as part of, or in support of, a claim for payment or other benefit under a policy of insurance, or as part of, or in support of, an application for the issuance of, or the rating of, any insurance policy, when the statement does any of the following: (1) Contains any false, incomplete, or misleading information concerning any fact or thing material to the claim. (2) Conceals (i) the occurrence of an event that is material to any person's initial or continued right or entitlement to any insurance benefit or payment or (ii) the amount of any benefit or payment to which the person is entitled.

"Financial institution" means any bank, savings and loan association, credit union, or other depository of money or medium of savings and collective investment.

"Governmental entity" means: each officer, board, commission, and agency created by the Constitution, whether in the executive, legislative, or judicial branch of State government; each officer, department, board, commission, agency, institution, authority, university, and body politic and corporate of the State; each administrative unit or corporate outgrowth of State government that is created by or pursuant to statute, including units of local government and their officers, school districts, and boards of election commissioners; and each administrative unit or corporate outgrowth of the foregoing items and as may be created by executive order of the Governor.

"Incomplete credit card or debit card" means a credit card or debit card which is missing part of the matter other than the signature of the cardholder which an issuer requires to appear on the credit card or debit card before it can be used by a cardholder, and this includes credit cards or debit cards which have not been stamped, embossed, imprinted or written on.

"Institution of higher learning" means a public or private college, university, or community college located in the State of Illinois that is authorized by the Board of Higher Education or the Illinois Community College Board to issue post-secondary degrees, or a public or private college, university, or community college located anywhere in the United States that is or has been legally constituted to offer degrees and instruction in its state of origin or incorporation.

"Insurance company" means "**company**" as defined under Section 2 of the Illinois Insurance Code.

"Issuer" means the business organization or financial institution, which issues a credit card or debit card, or its duly authorized agent.

"Merchant" has the meaning ascribed to it in Section 16-0.1 16A-2.4 of this Code.

"Person" means any individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association or any other entity.

"Receives" or "receiving" means acquiring possession or control.

"Record of charge form" means any document submitted or intended to be submitted to an issuer as evidence of a credit transaction for which the issuer has agreed to reimburse persons providing money, goods, property, services or other things of value.

"Revoked credit card or debit card" means a credit card or debit card, which is no longer valid because permission to use it has been suspended or terminated by the issuer.

"Sale" means any delivery for value.

"Scheme or artifice to defraud" includes a scheme or artifice to deprive another of the intangible right to honest services.

"Self-insured entity" means any person, business, partnership, corporation, or organization that sets aside funds to meet his, her, or its losses or to absorb fluctuations in the amount of loss, the losses being charged against the funds set aside or accumulated.

"Social networking website" means an Internet website containing profile web pages of the members of the website that include the names or nicknames of such members, photographs placed on the profile web pages by such members, or any other personal or personally identifying information about such members and links to other profile web pages on social networking websites of friends or associates of such members that can be accessed by other members or visitors to the website. A social networking website provides members of or visitors to such website the ability to leave messages or comments on the profile web page that are visible to all or some visitors to the profile web page and may also include a form of electronic mail for members of the social networking website.

"Statement" means any assertion, oral, written, or otherwise, and includes, but is not limited to: any notice, letter, or memorandum; proof of loss; bill of lading; receipt for payment; invoice, account, or other financial statement; estimate of property damage; bill for services; diagnosis or prognosis; prescription; hospital, medical, or dental chart or other record, x-ray, photograph, videotape, or movie film; test result; other evidence of loss, injury, or expense; computer-generated document; and data in any form.

"Universal Price Code Label" means a unique symbol that consists of a machine-readable code and human-readable numbers.

"With intent to defraud" means to act knowingly, and with the specific intent to deceive or cheat, for the purpose of causing financial loss to another or bringing some financial gain to oneself, regardless of whether any person was actually defrauded or deceived. This includes an intent to cause another to assume, create, transfer, alter, or terminate any right, obligation, or power with reference to any person or property.

Legislative History: Created by: P.A. 96-1551, (eff. 7-1-11.) Amended by P.A. 97-597 (eff. 1-1-12).

720 ILCS 5/ 17-1A(1)

DECEPTIVE PRACTICES

In violation of SECTION 17-1A(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to defraud, knowingly caused Don Smith, by deception¹ to execute a document disposing of property² in that said defendant (describe in detail the deceptive act(s) by which defendant caused the victim to execute the document disposing of property or incurring the pecuniary obligation).

¹or threat; ²or a document by which a pecuniary obligation is incurred

CHARGING NOTE: The commission of a deceptive practice in violation of paragraph (A)(1), when the value of the property so obtained, in a single transaction or in separate transactions within a 90-day period, exceeds \$150, is a Class 4 felony. In the case of a prosecution for separate transactions totaling more than \$150 within a 90-day period, those separate transactions shall be alleged in a single charge and prosecuted in a single prosecution.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - Laws 1965, p.962; Laws 1967, p.3610; P.A.s 77-2638, 78-777, 80-1143, 82-563, 82-1009, 84-897, 92-633 & 92-646. This subsection was recently re-numbered and amended by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 17-1A(2)

DECEPTIVE PRACTICES

In violation of SECTION 17-1A(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), being an officer,¹ the first vice-president, of Smith Savings and Loan Association, a financial institution,² located at 777 May Street, Union City, Union County, Illinois, and with the intent to defraud, knowingly received³ a \$1,000 deposit⁴ from James Brown, knowing that the Smith Savings and Loan was insolvent.

¹or manager or other person participating in the direction of a financial institution; ²a financial institution means any bank, savings and loan association, credit union, or other depository of money or medium of savings and collective investment; ³or permitted the receipt; ⁴or other investment

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 17-1A(3)

DECEPTIVE PRACTICES

In violation of SECTION 17-1A(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to defraud, knowingly made a false¹ statement addressed to the public for the purpose of promoting the sale of certain property,² computers, in that he placed an advertisement in the June 30, 2012, edition of the Union City Gazette, which read in pertinent part: "Smith's Computer Shop - This Week Only – Brand New XL Speedy Computer - Only \$750;" and thereafter refused to sell such computer for the advertised price.

¹or deceptive; ²or services

NOTE: Detail the false or deceptive statement in the charge.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was recently re-numbered and amended by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 17-1B(1)

DECEPTIVE PRACTICES

In violation of SECTION 17-1B(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with intent to defraud and the intent to obtain control over certain property¹ of Buel Companies, Inc., a corporation doing business as Buel-Osbo, Inc., #11, Union City, Union County, Illinois being United States currency, knowingly delivered² a certain bank check³ to Don Smith, an employee of said corporation, dated June 1, 2008, drawn on the Union City National Bank, payable to Cash in the amount of \$145, and signed as drawer James Brown, knowing said check would not be paid by the depository; a copy of the check is attached hereto and made a part hereof by reference.⁴

¹or to pay for property, labor or services of another; ²or issued; ³or other order upon a real or fictitious depository; ⁴although not indispensable to the validity of the charge, a copy of the document should be attached if available; if unavailable, omit underlined words

NOTE: In this subsection, "property" includes rental property (real or personal).

CHARGING NOTE: A second or subsequent violation of this subsection or when the value of a single transaction or series of transactions within a 90-day period exceeds \$150, such person shall be guilty of a Class 4 felony. See Appendix A.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 17-1B(2)

DECEPTIVE PRACTICES

In violation of SECTION 17-1B(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), delivered¹ a certain bank check² to Don Smith, dated June 1, 2012, drawn on the Union City National Bank, payable to Don Smith in the amount of \$300 and signed the defendant as drawer, in payment of the entire³ amount owed to Don Smith by the defendant as the result of a credit transaction between Don Smith and the defendant for the purchase of certain property,⁴ an RBA portable color television set, and said defendant knew that said check² would not be paid by the Union City National Bank and did thereafter fail to provide funds⁵ to the Union City National Bank in the face amount of the check² within seven (7) days of receiving actual notice from Don Smith⁶ of the dishonor of the check.²

¹or issued; ²or other order; ³or partial; ⁴or labor or services; ⁵or credit; ⁶or the depository

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 17-1C(1)

UNLAWFUL DECEPTION ON A BANK³

In violation of SECTION 17-1C(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to defraud, made¹ a false statement in writing in order to obtain an account with² the Union City National Bank³ knowing such writing to be false and with the intent that such writing be relied upon.

¹or caused to be made; ²or to obtain credit from; ³or any bank or other financial institution, or to obtain services from a currency exchange

NOTE: A false statement means any false statement representing identity, address, or employment, or the identity, address or employment of any person, firm, or corporation.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This offense was amended by Public Act 94-872 (Eff: 6-16-06).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 17-1C(2)

DECEPTION ON A BANK

In violation of SECTION 17-1C(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to obtain access to the funds of Don Smith, an account holder, held in a deposit account¹ in the Bank of Union City,² presented for payment³ a check⁴ with the knowledge that such presentment⁵ was not authorized by Don Smith.⁶

¹it may be real or fictitious; ²any financial institution; ³or possessed, transferred, negotiated such item or made a false statement or a misrepresentation to the financial institution; ⁴or a draft, or other item purported to direct the financial institution to withdraw or pay funds out of the account holder's deposit account; ⁵or transfer or negotiation; ⁶or by the financial institution

CHARGING NOTE: A person who, within any 12-month period, violates paragraph (C)(2) with respect to 3 or more checks or orders for the payment of money at the same time or consecutively, each the property of a different account holder or financial institution, is guilty of a Class 4 felony.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 17-1C(3)

UNLAWFUL POSSESSION OF IMPLEMENTS OF CHECK FRAUD

In violation of SECTION 17-1C(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), possessed, with the intent to defraud and without the authority of Duce Manufacturing Company,¹ a check imprinter² owned by the Duce Manufacturing Company.¹

¹or the account holder or financial institution; ²or signature imprinter or "certified" stamp

CHARGING NOTE: A person, who within any 12-month period violates this subsection as to possession of 3 or more such devices at the same time or consecutively, is guilty of a Class 4 felony. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 17-1C(4)

UNLAWFUL POSSESSION OF BANK IDENTIFICATION CARD

In violation of SECTION 17-1C(4) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), possessed, with the intent to defraud, a check guarantee card¹ issued by the Union City National Bank to Don Smith without the authority of the Union City National Bank or Don Smith.

¹or a key card or identification card for a cash dispensing machine

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGING NOTE: A person who, within any 12-month period, violates this Section at the same time or consecutively with respect to 3 or more cards, each the property of different account holders, is guilty of a Class 4 felony. A person convicted under this Section, when the value of property so obtained, in a single transaction, or in separate transaction within any 90 day period, exceeds \$150, shall be guilty of a Class 4 felony. See the Sentencing Guide.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 17-2(a)(1)

FALSE PERSONATION

In violation of SECTION 17-2(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and falsely represented himself to Don Smith to be a member¹ of the Illinois Police Association.²

¹or representative; ²or a member or representative of any veterans' or public safety personnel organization, or a representative of any charitable organization, or when any person knowingly exhibits or uses in any manner any decal, badge or insignia of any charitable, public safety personnel, or veterans' organization when not authorized to do so by such police organization (for other prohibited uses, see subsections (b), (b-5) and (b-10) of this Section.

CHARGING NOTE: A violation of subsection (a)(1) through (a)(7) or subsection (e) of this Section may be accomplished in person or by any means of communication, including but not limited to the use of an Internet website or any form of electronic communication.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Codification - Laws 1961, p.1983 (January 1, 1962); Amended - Laws 1963, p.1086; Laws 1965, p.1059; Laws 1965, p.3199; Laws 1967, p.3798; P.A.s 76-1113, 77-2638, 83-980, 84-956, 89-324, 91-301, 91-302, 92-16, 94-548, 94-755 & 94-984. This subsection was recently re-numbered and amended by Public Act 96-1551. (Effective: 7-1-11) and then amended by Public Act: 97-1109; (Eff: 1-1-13).

CHARGE: Misdemeanor (Class C)

BOND: \$120

720 ILCS 5/ 17-2(a)(2)

FALSE PERSONATION

In violation of SECTION 17-2(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and falsely represented himself¹ to be a veteran in seeking employment² in that said defendant (describe act of misrepresentation).

¹or herself; ²or a public office

CHARGING NOTES: (1) See Appendix B for discussion of necessity of alleging mental state. (2) A violation of subsection (a)(1) through (a)(7) or subsection (e) of this Section may be accomplished in person or by any means of communication, including but not limited to the use of an Internet website or any form of electronic communication.

DEFINITION: "Veteran" means a person who has served in the Armed Services or Reserved Forces of the United States.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was recently re-numbered and amended by Public Act 96-1551. (Effective: 7-1-11). Amended by Public Act: 97-1109; (Eff: 1-1-13).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

(New Complaint)

720 ILCS 5/ 17-2(a)(2.1)

FALSE PERSONATION

In violation of SECTION 17-2(a)(2.1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and falsely represented himself¹ to be a veteran of the Armed Services of the United States² in that said defendant (describe act of misrepresentation) and said defendant obtained \$200³ from Sam Smith through that false representation in that said defendant (describe the method by which the defendant obtained the property).

¹or herself; ²or a veteran of the Reserve Forces of the United States or the National Guard or an active-duty member of the Armed Services of the United States or the Reserve Forces of the United States or the National Guard; ³or obtained property, or another tangible benefit

SENTENCING NOTE: A violation of paragraph (a) (2.1) is a petty offense for which the offender shall be fined at least \$100 and not more than \$200.

DEFINITION: In this paragraph, “member of the Armed Services or Reserve Forces of the United States” means a member of the United States Navy, Army, Air Force, Marine Corps, or Coast Guard; and “veteran” means a person who has served in the Armed Services or Reserve Forces of the United States or the National Guard.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by Public Act: 99-561; (Eff: 7-15-16).

CHARGE: Petty Offense **BOND:** No Bond

720 ILCS 5/ 17-2(a)(2.5)(A)

FALSE PERSONATION

In violation of SECTION 17-2(a)(2.5)(A) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), knowingly and falsely represented himself¹ to be Sam Smith, a Vice President of the Union City Bank², and then did an act in such assumed character with the intent to intimidate³ George Brown; to wit: (describe the act of the defendant).

¹or herself; ²or any other actual person; ³or threaten, injure, defraud, or to obtain a benefit from.

CHARGING NOTES: (1) See Appendix B for discussion of necessity of alleging mental state. (2) A violation of this Section may be accomplished in person or by any means of communication, including but not limited to the use of an Internet website or any form of electronic communication.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by Public Act 97-0219 (Eff: 1-1-12) and renumbered by Public Act: 97-1109; (Eff: 1-1-13).

CHARGE: Misdemeanor (Class A) **BOND:** \$1,500

720 ILCS 5/ 17-2(a)(2.5)(B)

FALSE PERSONATION

In violation of SECTION 17-2(a)(2.5)(B) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and falsely represented himself¹ to be a representative of Sam Smith, a Vice President of the Union City Bank², and then did an act in such assumed character with the intent to intimidate³ George Brown; to wit: (describe the act of the defendant).

¹or herself; ²or any other actual person; ³or threaten, injure, defraud, or to obtain a benefit from.

CHARGING NOTES: (1) See Appendix B for discussion of necessity of alleging mental state. (2) A violation of this Section may be accomplished in person or by any means of communication, including but not limited to the use of an Internet website or any form of electronic communication.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by Public Act 97-0219 (Eff: 1-1-12) and renumbered by Public Act: 97-1109; (Eff: 1-1-13).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 17-2(a)(3)(i)

FALSE PERSONATION

In violation of SECTION 17-2(a)(3)(i) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly used the words "Chicago Police Department"¹ in the title of a magazine entitled the "Chicago Police Department Report"² without the express approval of the Chicago Police Board.³

¹or "Police", "Patrolman", "Sergeant", "Lieutenant", or "Peace Officer", or any other words to the same effect; ²or any other publication, magazine, or organization; ³the named public safety personnel organization's governing board.

CHARGING NOTES: (1) A violation of subsection (a)(1) through (a)(7) or subsection (e) of this Section may be accomplished in person or by any means of communication, including but not limited to the use of an Internet website or any form of electronic communication. (2) This subsection may also be violated when the defendant used the prohibited words in combination with the name of any state, state agency, public university, or unit of local government without

the express written authorization of that state, state agency, public university, or unit of local government. 720 ILCS 5/ 17-2(a)(3)(ii)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was recently re-numbered and amended by Public Act 96-1551. (Effective: 7-1-11) and amended by Public Act: 97-1109; (Eff: 1-1-13).

CHARGE: Misdemeanor (Class C)

BOND: \$120

720 ILCS 5/ 17-2(a)(4)

FALSE PERSONATION

In violation of SECTION 17-2(a)(4) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), solicited a financial contribution¹ on behalf of the Union City Fire Department² from Don Smith without actually representing³ the Union City Fire Department and without entering into a written contract with the Chief of the Union City Fire Department and the Union City municipal authorities concerning such representation.

¹or sold or delivered or offered to sell or deliver any merchandise, goods, services, memberships, or advertisements; ²or any or any public safety organization; ³or acting on behalf of.

CHARGING NOTES: (1) A violation of subsection (a)(1) through (a)(7) or subsection (e) of this Section may be accomplished in person or by any means of communication, including but not limited to the use of an Internet website or any form of electronic communication. (2) See the following for other ways of violating subsection (a) (5): No person, when soliciting financial contributions or selling or delivering or offering to sell or deliver any merchandise, goods, services, memberships, or advertisements may claim or represent that he or she is representing or acting on behalf of any non-governmental organization by any name which includes "officer", "peace officer", "police", "law enforcement", "trooper", "sheriff", "deputy", "deputy sheriff", "State police", or any other word or words which would reasonably be understood to imply that the organization is composed of law enforcement personnel unless (A) the person is actually representing or acting on behalf of the non-governmental organization, (B) the non-governmental organization is controlled by and governed by a membership of and represents a group or association of active duty peace officers, retired peace officers, or injured peace officers and (C) before commencing the solicitation or the sale or the offers to sell any merchandise, goods, services, memberships, or advertisements, a written contract between the soliciting or selling person and the non-governmental organization has been entered into. (6) No person, when soliciting financial contributions or selling or delivering or offering to sell or deliver any merchandise, goods, services, memberships, or advertisements, may claim or represent that he or she is representing or acting on behalf of any non-governmental organization by any name which includes the term "fireman", "fire fighter", "paramedic", or any other word or words which

would reasonably be understood to imply that the organization is composed of fire fighter or paramedic personnel unless (A) the person is actually representing or acting on behalf of the non-governmental organization, (B) the non-governmental organization is controlled by and governed by a membership of and represents a group or association of active duty, retired, or injured fire fighters (for the purposes of this Section, "fire fighter" has the meaning ascribed to that term in Section 2 of the Illinois Fire Protection Training Act) or active duty, retired, or injured emergency medical technicians - ambulance, emergency medical technicians, intermediate, emergency medical technicians - paramedic, ambulance drivers, or other medical assistance or first aid personnel, and (C) before commencing the solicitation or the sale or delivery or the offers to sell or deliver any merchandise, goods, services, memberships, or advertisements, a written contract between the soliciting or selling person and the non-governmental organization has been entered into. (7) No person may claim or represent that he or she is an airman, airline employee, airport employee, or contractor at an airport in order to obtain the uniform, identification card, license, or other identification paraphernalia of an airman, airline employee, airport employee, or contractor at an airport. (8) No person, firm, co-partnership, or corporation (except corporations organized and doing business under the Pawnners Societies Act) shall knowingly use a name that contains in it the words "Pawnners' Society".

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was recently re-numbered and amended by Public Act 96-1551. (Effective: 7-1-11) and then amended by Public Act: 97-1109; (Eff: 1-1-13).

CHARGE: Felony (Class 4) **BOND:** Must be Set by Judge

720 ILCS 5/ 17-2(b)(1)

FALSE PERSONATION OF AN ATTORNEY

In violation of SECTION 17-2(b)(1) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and falsely represented himself to Don Smith to be an attorney authorized to practice law for purposes of compensation.¹

¹or consideration

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - P.A. 77-2638 and 90-293. This subsection was recently re-numbered and amended by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 4) **BOND:** \$1,500

720 ILCS 5/ 17-2(b)(2)

FALSE PERSONATION OF A PUBLIC OFFICER¹

In violation of SECTION 17-2(b)(2) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and falsely represented himself to Don Smith to be a public officer,¹ to wit: the Union County Coroner.

¹or a public employee or an official or employee of the Federal Government

CHARGING NOTE: It is a Class 4 felony if the false representation is made in furtherance of the commission of a felony. See Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was amended by Public Acts 94-985 (Eff: 1-1-07) and 95-324 (Eff: 1-1-08) and recently re-numbered and amended by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 17-2(b)(2.3)

FALSE PERSONATION OF A PUBLIC OFFICER²

In violation of SECTION 17-2(b)(2.3) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and falsely represented himself to Don Smith to be a public officer, to wit: the Union County Coroner,¹ and the false representation was made in furtherance of the commission of a felony, to wit: (Name the Felony).

¹or any public employee or public officer or an official or employee of the Federal Government;

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by Public Act 95-625 (Eff: 6-1-08). This subsection was recently re-numbered and amended by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-2(b)(2.7)

FALSE PERSONATION OF A PUBLIC OFFICER¹

In violation of SECTION 17-2(b)(2.7) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and falsely represented himself to Don Smith to be a public officer,¹ to wit: the Union County Coroner,² for the purpose of effectuating the offense of identity theft.³

¹or a public employee; ²or any public employee or public officer; ³as defined in Section 16G-15 of the Illinois Criminal Code

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by Public Act 95-625 (Eff: 6-1-08). This subsection was recently re-numbered and amended by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-2(b)(3)

FALSE PERSONATION OF A PEACE OFFICER¹

In violation of SECTION 17-2(b)(3) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and falsely represented to Don Smith that the defendant was a Union City police officer.¹

¹or any peace officer

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

ADDED CASE AUTHORITY - - This offense withstands a constitutional attack. People v. Thoennes, 334 Ill. App. 3d 320, 777 N. E. 2d 1075, 268 Ill. Dec. 152 (4th Dist., 2002)

Legislative History: Created - P.A. 85-741 (January 1, 1988). Amended by P. A. 94-730. This subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-2(b)(4)

FALSE PERSONATION OF A PEACE OFFICER¹ WHILE
CARRYING A DEADLY WEAPON

In violation of SECTION 17-2(b)(4) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while carrying a deadly weapon, knowingly and falsely represented to Don Smith that the defendant was a Union City police officer.¹

¹or any peace officer

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - Public Act 94-730 (Eff: 4-17-06). This subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 17-2(b)(5)

FALSE PERSONATION OF A PEACE OFFICER³ WHILE
COMMITTING¹ A FELONY OFFENSE (OTHER THAN A FORCIBLE FELONY)²

In violation of SECTION 17-2(b)(5) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while committing¹ forgery in violation of Section 17-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes,² knowingly and falsely represented himself to be a Union City police officer.³

¹or attempting to commit; ²or any felony (other than a forcible felony); ³or any peace officer

CHARGING NOTE: A person who knowingly and falsely represents himself or herself to be a peace officer of any jurisdiction in attempting or committing a forcible felony commits a Class 1 felony. See Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 85-741 (January 1, 1988). Amended by Public Acts 94-730 and 94-985. This subsection was recently re-numbered and amended by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 17-2(b)(6)

FALSE PERSONATION OF A PEACE OFFICER³ WHILE COMMITTING¹
A FORCIBLE FELONY²

In violation of SECTION 17-2(b)(6) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while committing¹ the murder of Don Smith in violation of Section 9-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes,² knowingly and falsely represented himself to be a Union City police officer.³

¹or attempting to commit; ²or any forcible felony; ³or any peace officer

CHARGING NOTE: A person who knowingly and falsely represents himself or herself to be a peace officer of any jurisdiction in attempting or committing a forcible felony commits a Class 1 felony. See Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 85-741 (January 1, 1988). Amended by Public Acts 94-730 and 94-985. This subsection was recently re-numbered and amended by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 5/ 17-2(b)(7)

FALSE PERSONATION OF A PARENT¹

In violation of SECTION 17-2(b)(7) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and falsely represented himself² to be the parent¹ of Donnie Smith, a minor child, to Betty Clarke, an elementary school employee employed by the Union City Middle School.³

¹or legal guardian or other relation; ²or herself; ³or any public official, public employee, or elementary or secondary school employee or administrator

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 88-677 (Eff: 12-15-94). This subsection was recently re-numbered and amended by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 17-2(b)(7.5)

FALSE PERSONATION OF A GUARDIAN¹

In violation of SECTION 17-2(b)(7.5) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and falsely represented himself² to Betty Clarke to be the legal guardian,¹ appointed under Article XIa of the Probate Act of 1975, of Donnie Smith, a person with a disability.

¹including any representative of a State or a public guardian; ²or herself;

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 88-677 (Eff: 12-15-94). This subsection was recently re-numbered and amended by Public Act 96-1551. (Effective: 7-1-11). Amended by P.A. 98-1125; Eff: 1-1-15.

This Subsection was created by Public Act 99-0143; Eff: 1-1-16.

CHARGE: Misdemeanor (Class C)

BOND: \$120

720 ILCS 5/ 17-2(b)(8)

FALSE PERSONATION OF A FIRE FIGHTER

In violation of SECTION 17-2(b)(8) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and falsely represented himself to be a fire fighter employed by the Village of Union City to Donnie Smith in that (describe the act of false personation).

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by Public Act 94-323 (Eff: 1-1-06). This subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-2(b)(9)

FALSE PERSONATION OF A FIRE FIGHTER WHILE
CARRYING A DEADLY WEAPON

In violation of SECTION 17-2(b)(9) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while carrying a deadly weapon, to wit; a firearm, knowingly and falsely represented himself to be a fire fighter employed by the Village of Union City to Don Smith in that (describe the act of false personation).

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by Public Act 94-730 (Eff: 4-17-06). This subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-2(b)(10)

AGGRAVATED FALSE PERSONATION OF A FIRE FIGHTER

In violation of SECTION 17-2(b)(10) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while committing¹ the felony offense of Residential Burglary, in violation of Section 19-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes,² knowingly and falsely represented himself to be a fire fighter employed by the Village of Union City to Don Smith in that (describe the act of false personation).

¹or attempting to commit; ²or any felony

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by Public Act 94-323 (Eff: 1-1-06). Amended by Public Act 94-730. This subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 17-2(b)(11)

FALSE PERSONATION OF AN EMERGENCY MANAGEMENT WORKER

In violation of SECTION 17-2(b)(11) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and falsely represented himself to be an emergency management worker¹ employed by the Village of Union City to Don Smith in that (describe the act of false personation).

¹or of the American Red Cross

NOTE: For purposes of this subsection, "emergency management worker" has the same meaning as provided under Section 2-6.6 of the Criminal Code. A definition is found in Appendix C.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by Public Act 94-323 (Eff: 1-1-06). This subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-2(b)(12)

AGGRAVATED FALSE PERSONATION OF AN EMERGENCY MANAGEMENT WORKER

In violation of SECTION 17-2(b)(12) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while committing¹ the felony offense of Residential Burglary,² in violation of Section 19-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes,² knowingly and falsely represented himself to be an emergency management worker employed by the Village of Union City to Don Smith in that (describe the act of false personation).

¹or attempting to commit; ²or any felony

NOTE: A definition of "Emergency Management Worker" is found in Appendix C.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by Public Act 94-323 (Eff: 1-1-06). This subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 3) **BOND:** Must be Set by Judge

720 ILCS 5/ 17-2(d)(1)

FALSE LAW ENFORCEMENT BADGES

In violation of SECTION 17-2(d)(1) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly produced¹ a Union City law enforcement badge without the express written consent of the Union City Police Department.²

¹or sold or distributed; ²or in the case of a re-organized or defunct law enforcement agency, its successor law enforcement agency.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 2) **BOND:** Must be Set by Judge

720 ILCS 5/ 17-2(e)(1)

FALSE PERSONATION

In violation of SECTION 17-2(e)(1) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and falsely wore¹ a Purple Heart² medal when that medal was not awarded to the defendant by the United State's Government.²

¹or represented himself or herself to be a recipient of; ²or The Congressional Medal of Honor, The Distinguished Service Cross, The Navy Cross, The Air Force Cross, The Silver Star or the Bronze Star.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 17-3(a)(1)

FORGERY

In violation of SECTION 17-3(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to defraud, knowingly made a false document¹, a check numbered 1110 of Don Smith, drawn on the First National Bank of Union City, dated June 1,2011, payable to the defendant in the amount of one-thousand dollars (\$1000) and signed as drawer Don Smith and said check was apparently capable of defrauding another. (A copy of the document is attached hereto and is incorporated by reference.)²

¹or altered any document to make it false; ²Note: If the forged instrument is adequately described in the complaint, there is no longer a need to attach a copy of the forged instrument. If a copy is not attached to the charge, omit the underlined wording above. People ex rel Miller v. Pate, 42 Ill.2d 283, 246 N.E.2d 255 (1969).

DEFINITIONS: For purposes of this Section, "false document" or "document that is false" includes, but is not limited to, a document whose contents are false in some material way, or that purports to have been made by another or at another time, or with different provisions, or by authority of one who did not give such authority. For purposes of this Section, a document also includes a Universal Price Code label or coin. (720 ILCS 5/17-3(c)).

CHARGING NOTES: **(a)** Forgery of a single Universal Price Code Label is a Class 4 felony. Forgery of an academic degree or a coin is a Class A Misdemeanor. **(b)** A prosecution for this offense may be commenced at any time. (720 ILCS 5/3-5)

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide**.

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - P.A. 77-2638, 90-575 and 90-759. This subsection was amended by Public Act 97-0231. (Effective: 1-1-12).

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 17-3(a)(2)

FORGERY

In violation of SECTION 17-3(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to defraud, knowingly delivered¹ to the Bank of Union City, a banking corporation, a document² apparently capable of defrauding another, in that it was purported to have been made by another, Don Smith,³ said document being a check numbered 1110 of Don Smith, drawn on the First National Bank of Union City, dated June 1, 2008, payable to the defendant in the amount of one-hundred dollars (\$100) and signed as drawer Don Smith knowing the document to have been thus made.⁴ (A copy of the document is attached hereto and is incorporated by reference.)⁵

¹or issued; ²any document; ³or at another time, or with different provisions, or by authority of one who did not give such authority; ⁴or altered; ⁵Note: If the forged instrument is adequately described in the complaint, there is no longer a need to attach a copy of the forged instrument. If a copy is not attached to the charge, omit the underlined wording above. People ex rel Miller v. Pate, 42 Ill.2d 283, 246 N.E.2d 225 (1969).

NOTE: For purposes of this Section, a document also includes a Universal Price Code label or coin. (720 ILCS 5/17-3(c)).

CHARGING NOTES: **(1)** Forgery of a single Universal Price Code Label is a Class 4 felony. Forgery of an academic degree or a coin is a Class A Misdemeanor. **(2)** A prosecution for this offense may be commenced at any time. (720 ILCS 5/3-5)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection recently was amended by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 17-3(a)(3)

FORGERY

In violation of SECTION 17-3(a)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to defraud, knowingly possessed with intent to deliver¹ to the Bank of Union City, a banking corporation, a document apparently capable of defrauding another, in that it was purported to have been made by another, Don Smith, said document being check number 110 of Don Smith, drawn on the First National Bank of Union City, dated June 1, 2012, payable to the defendant in the amount of one-hundred dollars (\$100) and signed as drawer Don Smith knowing the document to have been thus made.² (A copy of the document is attached hereto and is incorporated by reference.)³

¹or issue; ²or at another time, or with different provisions, or by authority of one who did not give such authority, or it was altered; ³Note: If the forged instrument is adequately described in the complaint, there is no longer a need to attach a copy of the forged instrument. If a copy is not attached to the charge, omit the underlined wording above. People ex rel Miller v. Pate, 42 Ill.2d 283, 246 N.E.2d 225 (1969).

DEFINITION: For purposes of this Section, a document also includes a Universal Price Code label or coin. (720 ILCS 5/17-3(c)).

CHARGING NOTES: **(1)** Forgery of a single Universal Price Code Label is a Class 4 felony. Forgery of an academic degree or a coin is a Class A Misdemeanor. **(2)** A prosecution for this offense may be commenced at any time. (720 ILCS 5/3-5)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was recently amended by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 17-3(a)(4)

FORGERY

In violation of SECTION 17-3(a)(4) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with intent to defraud, knowingly used the digital signature¹ of Don Smith.²

¹or uses the signature device of another to create an electronic signature of that other person; ²of another person

CHARGING NOTE: A prosecution for this offense may be commenced at any time. (720 ILCS 5/3-5)

DEFINITIONS: "Digital signature" is defined in the Financial Institutions Digital Signature Act (205 ILCS 705/1 et.seq.), and "electronic signature" is defined in the Electronic Commerce Security Act (5 ILCS 175/1-101 et.seq.).

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 17-6

STATE BENEFITS FRAUD

In violation of SECTION 17-6 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly used false identification documents¹ to obtain money² in excess of \$300 from the State of Illinois³ in that (describe the fraudulent act).

¹or knowingly misrepresented his age, place of residence, number of dependents, marital or family status, employment status, financial status, or any other material fact upon which his eligibility for or degree of participation in any benefit program might be based;
²or benefits; ³or from any political subdivision thereof, or from any program funded or administered in whole or in part by the State of Illinois or any political subdivision thereof.

CHARGING NOTE: (d)(1) State benefits fraud is a Class 4 felony except when less than \$300 is obtained. (d)(2) State benefits fraud is a Class 3 felony when \$300 or less is obtained and a Class 2 felony when more than \$300 is obtained if the defendant knowingly misrepresents himself as a veteran or as a dependent of a veteran with the intent of obtaining benefits or privileges provided by the State or its political subdivisions to veterans or their dependents. For a definition of these "benefits and privileges" see this subsection. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 82-999 (January 1, 1983). Amended by Public Act 94-486 and 96-1551.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 17-6.3(b)(i)

WIC FRAUD

In violation of SECTION 17-6.3(b)(i) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly used¹ Illinois Department of Public Health Special Supplemental Food Program for Women, Infants and Children Food Instruments² in a manner not authorized by law³ in that (describe how the WIC Food Instruments were illegally used).

¹or acquired, possessed or transferred; ²or authorizations to participate in the Illinois Department of Public Health Special Supplemental Food Program for Women, Infants and Children (WIC); ³or the rules of the Illinois Department of Public Health

NOTE: A person also commits this offense when he or she alters, uses, acquires, possesses or transfers altered WIC instruments or authorizations.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 88-680 (Eff: 1-1-95). Re-Enacted: P.A. 91-155. This subsection was recently amended and re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: See Sentencing Guide

BOND: See Sentencing Guide

720 ILCS 5/ 17-6.3(c)(1)

WIC ADMINISTRATIVE MALFEASANCE

In violation of SECTION 17-6.3(c)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly¹ misappropriated² public funds made available for the Illinois Department of Public Health Special Supplemental Food Program for Women, Infants and Children in that (describe the acts of the defendant).

¹or recklessly; ²or misused or unlawfully withheld or converted for his or her own use or the use of another

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 88-680 (Eff: 1-1-95). Re-Enacted: P.A. 91-155. This subsection was recently amended and re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: See Sentencing Guide

BOND: See Sentencing Guide

720 ILCS 5/ 17-6.3(d)

UNAUTHORIZED POSSESSION OF AN IDENTIFICATION DOCUMENT

In violation of SECTION 17-6.3(d) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly possessed for an unlawful purpose, to wit (describe the unlawful purpose), an identification document issued by the Illinois Department of Public Health to Don Smith.

NOTE: For purposes of this Section, "identification document" includes, but is not limited to, an authorization to participate in the Illinois Department of Public Health Special Supplemental Food Program for Women, Infants and Children (WIC) or a card or other document that identifies a person as being entitled to benefits in the Illinois Department of Public Health Special Supplemental Food Program for Women, Infants and Children (WIC).

NOTE: When possession is the essence of the offense, knowledge is the mental state that must be alleged. People v. Smith (1960), 20 Ill. 2d 345 and People v. Farmer (1995), 165 Ill. 2d 194.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 88-680 (Eff: 1-1-95). Re-Enacted: 91-155. This subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: See Sentencing Guide

BOND: See Sentencing Guide

720 ILCS 5/ 17-8.5(a)

FRAUD ON A GOVERNMENTAL ENTITY

In violation of SECTION 17-8.5(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly obtained,¹ by deception, control over \$5,000² from the Union City Public Library, a governmental entity,³ by making a false claim⁴ of bodily injury⁵ against the Union City Public Library and in so doing the defendant intended to deprive the Union City Public Library of the use and benefit of that property.

¹or attempted to obtain or caused to be obtained; ²any property; ³or any governmental entity; ⁴or by causing a false claim of bodily injury or of damage to a loss or theft of property to be made; ⁵or of damage to or loss or theft of property

CHARGING NOTE: A violation of this offense in which the value of the property obtained or attempted to be obtained is \$300 or less is a Class A misdemeanor. An offense where value of the property is more than \$300 but not more than \$10,000 is a Class 3 felony. An offense where the value is more than \$10,000 but not more than \$100,000 is a Class 2 felony. If the value of the property is over \$100,000, the offense is a Class 1 felony. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 90-333 (Eff: 1-1-98). Amended: P.A. 91-232. This subsection was recently amended and re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 3) **BOND:** Must be Set by Judge

720 ILCS 5/ 17-8.5(b)

AGGRAVATED FRAUD ON A GOVERNMENT ENTITY

In violation of SECTION 17-8.5(b) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), within an 18-month period, knowingly obtained,¹ by deception, control over \$5,000² from the Union City Library³ by making three⁴ false claims, arising out of separate incidents,⁵ in violation of Section 17-8.5(a) of this Code.

¹or attempted to obtain or caused to be obtained; ²or any property; ³or any governmental entity or any governmental entities (list the company or companies or entities defrauded); ⁴or more; ⁵or transactions

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 87-1134 (Eff: 1-1-93); Amended - P.A. 88-45, 90-333 and 91-232. This subsection was recently amended and re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 1) **BOND:** Must be Set by Judge

720 ILCS 5/ 17-8.5(c)

CONSPIRACY TO COMMIT FRAUD ON A GOVERNMENT ENTITY

In violation of SECTION 17-8.5(c) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent that the offense of Fraud on a Government Entity in violation of Section 17-8.5(a)¹ of Act 5 of Chapter 720 of the Illinois Compiled Statutes, be committed, agreed with Don Smith² to the commission of that offense and said defendant³ performed an overt act⁴ in furtherance of that agreement in that said defendant³ (describe act or acts performed in furtherance of that agreement) and said defendant was a part of a common scheme⁵ to engage in the unlawful activity.

¹or Aggravated Fraud on a Government Entity in violation of 720 ILCS 5/ 17-8.5(b); ²or any other person or persons; ³or his co-conspirator or co-conspirators; ⁴or acts; ⁵or plan

CHARGING NOTE: If the agreement was to commit a violation of Aggravated Fraud (Section 17-8.5(b)), the charge would be a Class 1 felony. If the agreement was to commit a violation of Fraud on a Governmental Entity (Section 17-8.5(a)), the charge would be a Class 2 felony. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 87-1134 (Eff: 1-1-93); Amended - P.A. 88-45 and 90-333. This subsection was recently amended and re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 17-8.5(d)

ORGANIZER OF AN AGGRAVATED FRAUD ON A GOVERNMENT ENTITY CONSPIRACY

In violation of SECTION 17-8.5(d) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent that Aggravated Fraud in violation of Section 17-8.5(b) of Act 5 of Chapter 720 of the Illinois Compiled Statutes, be committed, agreed with Don Smith¹ to the commission of that offense and said defendant² performed an overt act³ in furtherance of that agreement in that said defendant² (describe the act³ performed in furtherance of that agreement) and said defendant was a part of a common scheme⁴ to engage in the unlawful activity and with respect to Don Smith,² said defendant occupied a position of organizer⁵ within the conspiracy.

¹or any other person or persons; ²or his co-conspirator or co-conspirators; ³or acts; ⁴or plan; ⁵or supervisor, financier or other position of management

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 87-1134 (Eff: 1-1-93); Amended - P.A. 88-45 and 90-333. This subsection was recently amended and re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 17-9(a)(i)

PUBLIC AID WIRE FRAUD

In violation of SECTION 17-9(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly made¹ a telephone call² within the State of Illinois³ intending that such call² be made¹ in furtherance of a plan⁴ to unlawfully obtain a benefit⁵ under the Illinois Public Aid Code in that the defendant (describe the plan and the benefit or payment to be received).

¹or transmitted; ²or any communications by means of telephone, wire, radio, or television; ³such communication must be made, transmitted or received within the State of Illinois; ⁴or any plan, scheme, or design; ⁵or payment

NOTE: Public Aid Mail Fraud by be committed under this subsection when the defendant places any communication with the United States Postal Service, or with any private or other mail, package, or delivery service or system. (720 ILCS 5/17-9(a)(ii))

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 84-1255 (January 1, 1987). This subsection was recently amended by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-9(b)(i)

PUBLIC AID WIRE FRAUD

In violation of SECTION 17-9(b)(i) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly directed¹ Don Smith to make² a telephone call³ intending that such call³ be made⁴ in furtherance of a plan⁵ to unlawfully obtain a benefit⁶ under the Illinois Public Aid Code in that the defendant (describe the plan and the benefit or payment to be received).

¹or caused; ²or transmit; ³or any communications by means of telephone, wire, radio, or television; ⁴or transmitted or delivered; ⁵or any plan, scheme, or design; ⁶or payment

NOTE: Public Aid Mail Fraud by be committed under this subsection when the defendant directs or causes another to place any communication with the United States Postal Service, or with any private or other mail, package, or delivery service or system. (720 ILCS 5/17-9(b)(ii))

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was recently amended and re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-10.3(a)

FRAUDULENTLY OBTAINING¹ CERTIFICATION AS A DISADVANTAGED BUSINESS ENTERPRISE

In violation of SECTION 17-10.3(a) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), in the course of business, fraudulently obtained² certification as a minority owned business.³

¹or retaining; ²or retained; ³or a female owned business or a service-disabled veteran-owned small business or veteran-owned small business.

NOTE: For definitions of "minority owned business", "female owned business", "State agency" "service-disabled veteran-owned small business" and "veteran-owned small business" see Appendix C.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 84-192 (January 1, 1986). This subsection was amended by Public Act 97-0260. (Effective: 8-5-11).

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 17-10.3(b)

WILLFULLY MAKING A FALSE STATEMENT

In violation of SECTION 17-10.3(b) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), in the course of business, willfully made a false statement by affidavit¹ to Dawn Smith, an official² of the Minority and Female Business Enterprise Council³ for the purpose of influencing the certification⁴ of the Frying Chicken Company,⁵ a business entity, as a minority owned⁶ business in that (describe the false statement).

¹or by report or other representation; ²or employee; ³or other State agency; ⁴or denial of certification; ⁵or any business entity; ⁶or a female owned business or a service-disabled veteran-owned small business or veteran-owned small business.

NOTE: For definitions of "minority owned business", "female owned business", "State agency" "service-disabled veteran-owned small business" and "veteran-owned small business" see Appendix C.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was amended by Public Act 97-0260. (Effective: 8-5-11).

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 17-10.3(c)

WILLFULLY OBSTRUCTING¹ AN AGENCY INVESTIGATION

In violation of SECTION 17-10.3(c) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), in the course of business, willfully obstructed² Dawn Smith, an official³ of the Minority and Female Business Enterprise Council⁴ who was investigating the qualifications of the Frying Chicken Company, a business entity,⁵ which had requested certification as a minority owned business⁶ in that the defendant (describe the act(s) of obstruction).

¹or impeding; ²or impeded; ³or employee; ⁴or any State agency; ⁵or any business entity; ⁶or a female owned business or a service-disabled veteran-owned small business or veteran-owned small business.

NOTE: For definitions of “minority owned business”, “female owned business”, “State agency” “service-disabled veteran-owned small business” and “veteran-owned small business” see Appendix C.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was amended by Public Act 97-0260. (Effective: 8-5-11).

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 17-10.3(d)

FRAUDULENTLY OBTAINING PUBLIC MONIES RESERVED FOR DISADVANTAGED BUSINESS ENTERPRISES

In violation of SECTION 17-10.3(d) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), while in the course of business, fraudulently obtained public monies, \$2,000 United States currency, reserved¹ to minority owned businesses² in that the defendant (describe the manner in which the defendant obtained the monies).

¹or allocated or available; ²or female owned businesses or a service-disabled veteran-owned small business or veteran-owned small business.

NOTE: For definitions of “minority owned business”, “female owned business”, “State agency” “service-disabled veteran-owned small business” and “veteran-owned small business” see Appendix C.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was amended by Public Act 97-0260. (Effective: 8-5-11).

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 17-10.5(a)(1)

INSURANCE FRAUD

In violation of SECTION 17-10.5(a)(1) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly obtained,¹ by deception, control over \$5,000² from the Union City Insurance Company³ by making a false claim⁴ on an insurance policy issued by the Union City Insurance Company³ with a policy number of (list policy number), intending to deprive the Union City Insurance Company³ permanently of the use and benefit of that property.

¹or attempted to obtain or caused to be obtained; ²or any property; ³or any insurance company or self-insured entity. For a definition of "self-insured entity" see 720 ILCS 5/46-1(d)(2); ⁴or causing a false claim to be made

CHARGING NOTE: Where the value of the property obtained or attempted to be obtained is \$300 or less, this offense is a Class A misdemeanor. Where the value of the property obtained or attempted to be obtained is more than \$300, but not more than \$10,000, this offense is a Class 3 felony. Where the value of the property obtained or attempted to be obtained is more than \$10,000, but not more than \$100,000, this offense is a Class 2 felony. Where the value of the property obtained is more than \$100,000, this offense is a Class 1 felony. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 87-1134 (Eff: 1-1-93); Amended - P.A. 88-45, 90-333 and 91-232. This subsection was recently amended and re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 17-10.5(a)(2)

HEALTH CARE BENEFITS FRAUD

In violation of SECTION 17-10.5(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), did knowingly attempt to obtained¹ by deception health care benefits from the Smith Company, a health care provider² and that attempt did not involve control over the property of the Smith Company.

¹or obtained; ²or any provider, other than a governmental unit or agency.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 84-418 (September 16, 1985). This subsection was recently amended and re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 17-10.5(b)(1)

AGGRAVATED INSURANCE FRAUD

In violation of SECTION 17-10.5(b)(1) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), within an 18-month period, knowingly obtained,¹ by deception, control over \$5,000² from the Union City Insurance Company³ by making three⁴ false claims, arising out of separate incidents,⁵ in violation of Section 17-10.5(a) of this Code.

¹or attempted to obtain or caused to be obtained; ²or any property; ³or a self-insured entity or self-insured entities or any governmental entity or any governmental entities (list the company or companies or entities defrauded); ⁴or more; ⁵or transactions

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 87-1134 (Eff: 1-1-93); Amended - P.A. 88-45, 90-333 and 91-232. This subsection was recently amended and re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 5/ 17-10.5(b)(2)

ORGANIZER OF AN AGGRAVATED FRAUD CONSPIRACY

In violation of SECTION 17-10.5(b)(2) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent that Aggravated Fraud in violation of Section 17-10.5(b)(1) of Act 5 of Chapter 720 of the Illinois Compiled Statutes, be committed, agreed with Don Smith¹ to the commission of that offense and said defendant² performed an overt act³ in furtherance of that agreement in that said defendant² (describe the act³ performed in furtherance of that agreement) and said defendant was a part of a common scheme⁴ to engage in the unlawful activity and with respect to Don Smith,² said defendant occupied a position of organizer⁵ within the conspiracy.

¹or any other person or persons; ²or his co-conspirator or co-conspirators; ³or acts; ⁴or plan; ⁵or supervisor, financier or other position of management

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 87-1134 (Eff: 1-1-93); Amended - P.A. 88-45 and 90-333. This subsection was recently amended and re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 17-10.5(c)

CONSPIRACY TO COMMIT INSURANCE FRAUD

In violation of SECTION 17-10.5(c) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent that the offense of Insurance Fraud in violation of Section 17-10.5(a)(1)¹ of Act 5 of Chapter 720 of the Illinois Compiled Statutes, be committed, agreed with Don Smith² to the commission of that offense and said defendant³ performed an overt act⁴ in furtherance of that agreement in that said defendant³ (describe act or acts performed in furtherance of that agreement) and said defendant was a part of a common scheme⁵ to engage in the unlawful activity.

¹or Aggravated Insurance Fraud in violation of 720 ILCS 5/17-10.5(b)(1); ²or any other person or persons; ³or his co-conspirator or co-conspirators; ⁴or acts; ⁵or plan

CHARGING NOTE: If the agreement was to commit a violation of Aggravated Fraud (Section 17-10.5(b)(1)), the charge would be a Class 1 felony. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 87-1134 (Eff: 1-1-93); Amended - P.A. 88-45 and 90-333. This subsection was recently amended and re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 17-10.6(a)

MISAPPROPRIATION OF FINANCIAL INSTITUTION PROPERTY

In violation of SECTION 17-10.6(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly¹ obtained unauthorized control over \$5,000² from the Union City Bank, a financial institution.

¹or exerted; ²or any moneys, funds, credits, assets, securities or other property of such financial institution, or other property owned by or under the custody and control of a financial institution, or under the custody or care of any agent, officer, director, or employee of such financial institution.

DEFINITION: A "financial institution" means any bank, savings bank, savings and loan association, credit union, trust company, currency exchange or a depository of money, or medium of savings and collective investment. (720 ILCS 5/17-0.5)

CHARGING AND SENTENCING NOTE: Except as otherwise provided in this subsection, a violation of this Section, the full value of which: (A) does not exceed \$500, is a Class A misdemeanor; (B) does not exceed \$500, and the person has been previously convicted of a financial crime or any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, or home invasion, is guilty of a Class 4 felony; (C) exceeds \$500 but does not exceed \$10,000, is a Class 3 felony; (D) exceeds \$10,000 but does not exceed \$100,000, is a Class 2 felony; (E) exceeds \$100,000 but does not exceed \$500,000, is a Class 1 felony; (F) exceeds \$500,000 but does not exceed \$1,000,000, is a Class 1 non-probationable felony; when a charge of financial crime, the full value of which exceeds \$500,000 but does not exceed \$1,000,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$500,000; (G) exceeds \$1,000,000, is a Class X felony; when a charge of financial crime, the full value of which exceeds \$1,000,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$1,000,000.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This offense was recently amended and re-numbered by Public Act 96-1301 (Eff: 1-1-11) and was amended by Public Act: 97-1109; (Eff: 1-1-13).

CHARGE: Felony (Class 3)

BOND: Must be Set By Judge

720 ILCS 5/ 17-10.6(b)(1)

COMMERCIAL BRIBERY INVOLVING A FINANCIAL INSTITUTION

In violation of SECTION 17-10.6(b)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), offered¹ \$5,000² to Don Smith, an employee³ of the Union City Bank, a financial institution, without the consent of that financial institution⁴ and with the intent to influence the conduct of Don Smith in relation to the affairs of the Union City Bank, in that (describe the attempted influence).

¹or conferred, or agreed to confer; ²or any benefit; ³or agent or fiduciary; ⁴that person's employer or principal

DEFINITION: A "financial institution" means any bank, savings bank, savings and loan association, credit union, trust company, or other depository of money, or medium of savings and collective investment. (720 ILCS 5/ 17-0.5)

CHARGING NOTE: Except as otherwise provided in this subsection, a violation of this Section, the full value of which: (A) does not exceed \$500, is a Class A misdemeanor; (B) does not exceed \$500, and the person has been previously convicted of a financial crime or any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, or home invasion, is guilty of a Class 4 felony; (C) exceeds \$500 but does not exceed \$10,000, is a Class 3 felony; (D) exceeds \$10,000 but does not exceed \$100,000, is a Class 2 felony; (E) exceeds \$100,000 but does not exceed \$500,000, is a Class 1 felony; (F) exceeds \$500,000 but does not exceed \$1,000,000, is a Class 1 non-probationable felony; when a charge of financial crime, the full value of which exceeds \$500,000 but does not exceed \$1,000,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$500,000; (G) exceeds \$1,000,000, is a Class X felony; when a charge of financial crime, the full value of which exceeds \$1,000,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$1,000,000.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This offense was added by Public Act 93-440 (Eff: 8-5-03) and amended by P.A. 96-1301; (Eff: 1-1-11). This subsection was recently amended and re-numbered by Public Act 96-1551. (Effective: 7-1-11) and then amended by Public Act: 97-1109; (Eff: 1-1-13).

CHARGE: Felony (Class 3)

BOND: Must be Set By Judge

720 ILCS 5/ 17-10.6(b)(2)

COMMERCIAL BRIBERY OF A FINANCIAL INSTITUTION

In violation of SECTION 17-10.6(b)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), an employee¹ of the Union City Bank, a financial institution, without the consent of the Union City Bank knowingly solicited² \$5,000³ from Don Smith upon the agreement⁴ that such \$5,000 would influence the defendant's conduct in relation to the Union City Bank's affairs in that (describe the attempted influence).

¹or an agent or fiduciary; ²or accepted, or agreed to accept; ³or any benefit; ⁴or understanding

DEFINITION: A "financial institution" means any bank, savings bank, savings and loan association, credit union, trust company, or other depository of money, or medium of savings and collective investment. (720 ILCS 5/ 17-0.5)

CHARGING AND SENTENCING NOTE: Except as otherwise provided in this subsection, a violation of this Section, the full value of which: (A) does not exceed \$500, is a Class A misdemeanor; (B) does not exceed \$500, and the person has been previously convicted of a financial crime or any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, or home invasion, is guilty of a Class 4 felony; (C) exceeds \$500 but does not exceed \$10,000, is a Class 3 felony; (D) exceeds \$10,000 but does not exceed \$100,000, is a Class 2 felony; (E) exceeds \$100,000 but does not exceed \$500,000, is a Class 1 felony; (F) exceeds \$500,000 but does not exceed \$1,000,000, is a Class 1 non-probationable felony; when a charge of financial crime, the full value of which exceeds \$500,000 but does not exceed \$1,000,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$500,000; (G) exceeds \$1,000,000, is a Class X felony; when a charge of financial crime, the full value of which exceeds \$1,000,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$1,000,000.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This offense was added by Public Act 93-440 (Eff: 8-5-03) and amended by P.A. 96-1301 (Eff: 1-1-11). This subsection was recently amended and re-numbered by Public Act 96-1551. (Effective: 7-1-11) and then amended by Public Act: 97-1109; (Eff: 1-1-13).

CHARGE: Felony (Class 3)

BOND: Must be Set By Judge

720 ILCS 5/ 17-10.6(c)(1)

FINANCIAL INSTITUTION FRAUD

In violation of SECTION 17-10.6(c)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly executed¹ a scheme² to defraud the Union City Bank, a financial institution, of \$5,000, in that (describe the scheme or artifice).

¹or attempted to execute; ²or an artifice

DEFINITION: A "financial institution" means any bank, savings bank, savings and loan association, credit union, trust company, or other depository of money, or medium of savings and collective investment. (720 ILCS 5/ 17-0.5)

CHARGING AND SENTENCING NOTE: Except as otherwise provided in this subsection, a violation of this Section, the full value of which: (A) does not exceed \$500, is a Class A misdemeanor; (B) does not exceed \$500, and the person has been previously convicted of a financial crime or any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, or home invasion, is guilty of a Class 4 felony; (C) exceeds \$500 but does not exceed \$10,000, is a Class 3 felony; (D) exceeds \$10,000 but does not exceed \$100,000, is a Class 2 felony; (E) exceeds \$100,000 but does not exceed \$500,000, is a Class 1 felony; (F) exceeds \$500,000 but does not exceed \$1,000,000, is a Class 1 non-probationable felony; when a charge of financial crime, the full value of which exceeds \$500,000 but does not exceed \$1,000,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$500,000; (G) exceeds \$1,000,000, is a Class X felony; when a charge of financial crime, the full value of which exceeds \$1,000,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$1,000,000.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This offense was added by Public Act 93-440 (Eff: 8-5-03) and amended by P.A. 96-1301 (Eff: 1-1-11). This subsection was recently amended and re-numbered by Public Act 96-1551. (Effective: 7-1-11) and then amended by Public Act: 97-1109; (Eff: 1-1-13).

CHARGE: Felony (Class 3)

BOND: Must be Set By Judge

720 ILCS 5/ 17-10.6(c)(2)

FINANCIAL INSTITUTION FRAUD

In violation of SECTION 17-10.6(c)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly executed¹ a scheme² to obtain \$5,000³ owned by⁴ the Union City Bank, a financial institution, by means of representations⁵ that the defendant knew to be false, in that (describe the false representations).

¹or attempted to execute; ²or an artifice; ³or any funds, moneys, credits, assets, securities, or other property; ⁴or under the custody or control of; ⁵or pretenses or promises

DEFINITION: A "financial institution" means any bank, savings bank, savings and loan association, credit union, trust company, or other depository of money, or medium of savings and collective investment. (720 ILCS 5/ 17-0.5)

CHARGING AND SENTENCING NOTE: Except as otherwise provided in this subsection, a violation of this Section, the full value of which: (A) does not exceed \$500, is a Class A misdemeanor; (B) does not exceed \$500, and the person has been previously convicted of a financial crime or any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, or home invasion, is guilty of a Class 4 felony; (C) exceeds \$500 but does not exceed \$10,000, is a Class 3 felony; (D) exceeds \$10,000 but does not exceed \$100,000, is a Class 2 felony; (E) exceeds \$100,000 but does not exceed \$500,000, is a Class 1 felony; (F) exceeds \$500,000 but does not exceed \$1,000,000, is a Class 1 non-probationable felony; when a charge of financial crime, the full value of which exceeds \$500,000 but does not exceed \$1,000,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$500,000; (G) exceeds \$1,000,000, is a Class X felony; when a charge of financial crime, the full value of which exceeds \$1,000,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$1,000,000.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This offense was added by Public Act 93-440 (Eff: 8-5-03) and amended by P.A. 96-1301 (Eff: 1-1-11). This subsection was recently amended and re-numbered by Public Act 96-1551. (Effective: 7-1-11) and then amended by Public Act: 97-1109; (Eff: 1-1-13).

CHARGE: Felony (Class 3)

BOND: Must be Set By Judge

720 ILCS 5/ 17-10.6(d)

LOAN FRAUD

In violation of SECTION 17-10.6(d) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly, and with the intent to defraud, made a false report¹ for the purpose of influencing the action of the Union City Bank, a financial institution, to act upon a purchase agreement² having a value of \$5,000 (describe the nature of the false report).

¹or statement or willfully overvalued any land, property, or security; ²or any application, advance, discount, purchase, repurchase agreement, commitment, or loan or any change or extension of any of the same, by renewal, deferment of action or otherwise, or the acceptance, release, or substitution of security.

DEFINITION: A "financial institution" means any bank, savings bank, savings and loan association, credit union, trust company, or other depository of money, or medium of savings and collective investment. (720 ILCS 5/ 17-0.5)

CHARGING AND SENTENCING NOTE: Except as otherwise provided in this subsection, a violation of this Section, the full value of which: (A) does not exceed \$500, is a Class A misdemeanor; (B) does not exceed \$500, and the person has been previously convicted of a financial crime or any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, or home invasion, is guilty of a Class 4 felony; (C) exceeds \$500 but does not exceed \$10,000, is a Class 3 felony; (D) exceeds \$10,000 but does not exceed \$100,000, is a Class 2 felony; (E) exceeds \$100,000 but does not exceed \$500,000, is a Class 1 felony; (F) exceeds \$500,000 but does not exceed \$1,000,000, is a Class 1 non-probationable felony; when a charge of financial crime, the full value of which exceeds \$500,000 but does not exceed \$1,000,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$500,000; (G) exceeds \$1,000,000, is a Class X felony; when a charge of financial crime, the full value of which exceeds \$1,000,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$1,000,000.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This offense was added by Public Act 93-440 (Eff: 8-5-03) and amended by P.A. 96-1301 (Eff: 1-1-11). This subsection was recently amended and re-numbered by Public Act 96-1551. (Effective: 7-1-11) and then amended by Public Act: 97-1109; (Eff: 1-1-13).

CHARGE: Felony (Class 3)

BOND: Must be Set By Judge

720 ILCS 5/ 17-10.6(e)

UNLAWFUL CONCEALMENT OF COLLATERAL

In violation of SECTION 17-10.6(e) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to defraud, knowingly concealed¹ property, a 2008 Chevrolet Nova having a value of \$5,000, which had been pledged to² the Union City Bank, a financial institution, as collateral for a loan given by that financial institution to the defendant, in that (describe the defendant's act of concealment).

¹or removed, disposed of, or converted to his own use or to that of another; ²or mortgaged or held by

DEFINITION: A "financial institution" means any bank, savings bank, savings and loan association, credit union, trust company, or other depository of money, or medium of savings and collective investment. (720 ILCS 5/ 17-0.5)

CHARGING AND SENTENCING NOTE: Except as otherwise provided in this subsection, a violation of this Section, the full value of which: (A) does not exceed \$500, is a Class A misdemeanor; (B) does not exceed \$500, and the person has been previously convicted of a financial crime or any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, or home invasion, is guilty of a Class 4 felony; (C) exceeds \$500 but does not exceed \$10,000, is a Class 3 felony; (D) exceeds \$10,000 but does not exceed \$100,000, is a Class 2 felony; (E) exceeds \$100,000 but does not exceed \$500,000, is a Class 1 felony; (F) exceeds \$500,000 but does not exceed \$1,000,000, is a Class 1 non-probationable felony; when a charge of financial crime, the full value of which exceeds \$500,000 but does not exceed \$1,000,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$500,000; (G) exceeds \$1,000,000, is a Class X felony; when a charge of financial crime, the full value of which exceeds \$1,000,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$1,000,000.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This offense was added by Public Act 93-440 (Eff: 8-5-03) and amended by P.A. 96-1301 (Eff: 1-1-11). This subsection was recently amended and re-numbered by Public Act 96-1551. (Effective: 7-1-11) and then amended by Public Act: 97-1109; (Eff: 1-1-13).

CHARGE: Felony (Class 3)

BOND: Must be Set By Judge

720 ILCS 5/ 17-10.6(f)

FINANCIAL INSTITUTION ROBBERY

In violation of SECTION 17-10.6(f) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), by force¹ took² from the person of Don Smith,³ United States Currency⁴ belonging to⁵ the Union City Bank, a financial institution.

¹or by threat of force, or by intimidation; ²or attempted to take; ³or from the presence of another, or obtains or attempts to obtain by extortion; ⁴or any other thing of value; ⁵or in the care, custody, control, management, or possession of

NOTE: A "financial institution" means any bank, savings bank, savings and loan association, credit union, trust company, or other depository of money, or medium of savings and collective investment. (720 ILCS 5/ 17-0.5)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This offense was added by Public Act 93-440 (Eff: 8-5-03). This subsection was recently amended and re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 1)

BOND: Must be Set By Judge

720 ILCS 5/ 17-10.6(g)(1)

CONSPIRACY TO COMMIT FINANCIAL INSTITUTION ROBBERY¹

In violation of SECTION 17-10.6(g)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent that the offense of Financial Institution Robbery¹ be committed in violation of Section 17-10.6(f) of Act 5 of Chapter 720 of the Illinois Compiled Statutes, agreed with Don Smith to the commission of that offense and the defendant² performed an act in furtherance of that agreement in that he (describe the act in furtherance of this conspiracy).

¹or any other Financial Institution Offense; ²or his co-conspirator

NOTE: A "financial institution" means any bank, savings bank, savings and loan association, credit union, trust company, or other depository of money, or medium of savings and collective investment. (720 ILCS 5/ 17-0.5)

CHARGING NOTE: For some reason, the Public Act that created this subsection did not address what charge a violation of this subsection might be. Until such time as the Legislature amends this provision, please consider charging this as a simple conspiracy in violation of section 8-2 of the Criminal Code.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This offense was added by Public Act 93-440 (Eff: 8-5-03). This subsection was recently amended and re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Unknown (See Charging Note)

BOND: Must be Set By Judge

720 ILCS 5/ 17-10.6(h)

CONTINUING FINANCIAL CRIMES ENTERPRISE

In violation of SECTION 17-10.6(h) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly, within an eighteen month period, committed three¹ separate financial institution robberies² in violation of Section 17-10.6(f) of Act 5 of Chapter 720 of the Illinois Compiled Statutes.

¹or more; ²or any other offenses constituting any combination of the following: (1) an offense under this Section; (2) a felony offense in violation of Section 16A-3 or subsection (a) of Section 16-25 or paragraph (4) or (5) of subsection (a) of Section 16-1 of this Code for the purpose of reselling or otherwise re-entering the merchandise in commerce, including conveying the merchandise to a merchant in exchange for anything of value; or (3), if involving a financial institution, any other felony offense under this Code.

DEFINITION: A "financial institution" means any bank, savings bank, savings and loan association, credit union, trust company, or other depository of money, or medium of savings and collective investment. (720 ILCS 5/17-0.1)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This offense was added by Public Act 93-440 (Eff: 8-5-03). This subsection was recently amended and re-numbered by Public Act 96-1551. (Effective: 7-1-11) and the amended by Public Act: 97-1109; (Eff: 1-1-13).

CHARGE: Felony (Class 1)

BOND: Must be Set By Judge

720 ILCS 5/ 17-10.6(i)

ORGANIZER OF A CONTINUING FINANCIAL CRIMES ENTERPRISE

In violation of SECTION 17-10.6(i) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to commit the offense of Financial Institution Robbery¹ in violation of Section 17-10.6(f) of Act 5 of Chapter 720 of the Illinois Compiled Statutes, agreed with Don Smith² to the commission of that offense on three³ separate occasions within an eighteen month period⁴, and with respect to Don Smith, the defendant occupied a position of organizer⁴ of the conspiracy.

¹or any other Financial Institution Offense or if involving a financial institution, any other felony offense established under this Code; ²or any other person; ³or more; ⁴or agrees with another person to the commission of any combination of the following offenses on 3 or more separate occasions within an 18-month period: (i) an offense under this Section; (ii) a felony offense in violation of Section 16A-3 or subsection (a) of Section 16-25 or paragraph (4) or (5) of subsection (a) of Section 16-1 of this Code for the purpose of reselling or otherwise re-entering the merchandise in commerce, including conveying the merchandise to a merchant in exchange for anything of value; or (iii), if involving a financial institution, any other felony offense under this Code; ⁴or supervisor, financier or other position of management

DEFINITION: A "financial institution" means any bank, savings bank, savings and loan association, credit union, trust company, or other depository of money, or medium of savings and collective investment. (720 ILCS 5/17-0.1)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This offense was added by Public Act 93-440 (Eff: 8-5-03). This subsection was recently amended and re-numbered by Public Act 96-1551. (Effective: 7-1-11) and then amended by Public Act: 97-1109; (Eff: 1-1-13).

CHARGE: Felony (Class X)

BOND: Must be Set By Judge

720 ILCS 5/ 17-11

ODOMETER FRAUD

In violation of SECTION 17-11 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to defraud another, disconnected¹ the odometer of a 2008 Ford Falcon² with a vehicle registration number of 87654321 and in so doing acted with the intent to conceal³ the actual miles driven by said Ford Falcon.

¹or reset, altered or caused to be disconnected, reset or altered; ²or any used motor vehicle or the hour meter of any used farm implement; ³or change

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Act is guilty of a Class 4 felony. The charging instrument must state prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 84-1391 (September 18, 1986); Amended - P.A. 84-1438. This subsection was recently amended by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 17-11.2

ILLEGAL INSTALLATION OF AN OBJECT IN A VEHICLE

In violation of SECTION 17-11.2 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), for consideration, knowingly installed¹ in a 2012 Ford Falcon with a registration number of ABCD7777, a stereo speaker² in lieu of an air bag that was designed in accordance with federal safety regulations for that Ford Falcon as part of a vehicle inflatable restraint system.

¹or re-installed; ²or any object

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was created by Public Act 92-809 (Eff: 1-1-03). Amended by P.A. 96-1551, eff. 7-1-11.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 17-11.5

TAMPERING WITH A FIRE¹ SYSTEM

In violation of SECTION 17-11.5 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), knowingly damaged² a fire system¹ located in the Smith Company, 444 W. Union St., Union City, Illinois.

¹or security or life safety system; ²or sabotaged, destroyed, or caused a permanent or temporary malfunction in any physical or electronic security.

NOTE: This subsection may be violated by damaging, sabotaging, destroying, or causing a permanent or temporary malfunction to any component part of any of these systems including, but not limited to, card readers, magnetic stripe readers, Wiegand card readers, smart card readers, proximity card readers, digital keypads, keypad access controls, digital locks, electromagnetic locks, electric strikes, electronic exit hardware, exit alarm systems, delayed egress systems, biometric access control equipment, intrusion detection systems and sensors, burglar alarm systems, wireless burglar alarms, silent alarms, duress alarms, hold-up alarms, glass break detectors, motion detectors, seismic detectors, glass shock sensors, magnetic contacts, closed circuit television (CCTV), security cameras, digital cameras, dome cameras, covert cameras, spy cameras, hidden cameras, wireless cameras, network cameras, IP addressable cameras, CCTV camera lenses, video cassette recorders, CCTV monitors, CCTV consoles, CCTV housings and enclosures, CCTV pan-and-tilt devices, CCTV transmission and signal equipment, wireless video transmitters, wireless video receivers, radio frequency (RF) or microwave components, or both, infrared illuminators, video motion detectors, video recorders, time lapse CCTV recorders, digital video recorders (DVRs), digital image storage systems, video converters, video distribution amplifiers, video time-date generators, multiplexers, switchers, splitters, fire alarms, smoke alarm systems, smoke detectors, flame detectors, fire detection systems and sensors, fire sprinklers, fire suppression systems, fire extinguishing systems, public address systems, intercoms, emergency telephones, emergency call boxes, emergency pull stations, telephone entry systems, video entry equipment, annunciators, sirens, lights, sounders, control panels and components, and all associated computer hardware, computer software, control panels, wires, cables, connectors, electromechanical components, electronic modules, fiber optics, filters, passive components, and power sources including batteries and back-up power supplies.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 84-1391 (September 18, 1986); Amended - P.A. 84-1438. This subsection was recently amended and renumbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-24(a)(1)(A)

MAIL FRAUD

In violation of SECTION 17-24(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly¹ devised² a scheme³ to defraud⁴ and with the intent to execute⁵ such scheme,³ placed in the Union City Post Office⁶ a letter⁷ to be delivered by the United States Post Office according to the directions on the letter.⁷

¹or intentionally or recklessly; ²or intended to devise; ³or artifice; ⁴or to obtain money or property by means of false representations or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit obligation, security, or other article, or anything represent to be or intimated or held out to be such a counterfeit or spurious article; ⁶or authorized depository for mail matter within this state; ⁶to attempt to execute; ⁷or any matter or thing.

NOTE: This subsection may be also violated when the defendant (B) Deposits or causes to be deposited in this State any matter or thing to be sent or delivered by mail or by private or commercial carrier, according to the direction on the matter or thing. (C) Takes or receives from mail or from a private or commercial carrier any such matter or thing at the place at which it is directed to be delivered by the person to whom it is addressed. (D) Knowingly causes any such matter or thing to be delivered by mail or by private or commercial carrier, according to the direction on the matter or thing.

IMPORTANT: For sentencing and alternative charging information see the [Sentencing Guide](#).

Legislative History: Created by Public Act 91-228 (Eff. 1-1-00). Renumbered § 17-24 and amended by P.A. 92-16. Amended by 93-440; 96-1000; and 96-1551, eff. 7-1-11.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 5/ 17-24(b)(1)(A)

WIRE FRAUD

In violation of SECTION 17-24(b)(1)(A) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly¹ devised² a scheme³ to defraud⁴ by means of false promises⁵ and for the purpose of executing this scheme³ transmitted⁶ from within Illinois⁷ an electronic impulse⁸ by means of wire.⁹

¹or intentionally or recklessly; ²or intended to devise; ³or artifice; ⁴or obtain money or property; ⁵or false representations or false pretenses; ⁶or caused to be transmitted; ⁷or so that the transmission is received by a person within this State or so that the transmission may be accessed by a person within this State; ⁸or writings, signals, pictures, sounds or electric impulses; ⁹or by radio or television communications;

IMPORTANT: For sentencing and alternative charging information see the [Sentencing Guide](#).

Legislative History: Created by Public Act 91-228 (Eff: 1-1-00). Renumbered § 17-24 and amended by P.A. 92-16. Amended by 93-440; 96-1000; and 96-1551, eff. 7-1-11.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 5/ 17-30

UNLAWFUL SALE OF HOUSEHOLD APPLIANCES

In violation of SECTION 17-30 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and with the intent to deceive¹ another, kept for sale, within a commercial context² a refrigerator³ of a value in excess of \$1,000 with a missing⁴ manufacturer's identification number.

¹or defraud; ²any commercial context; ³or any household appliance; ⁴or defaced, obliterated or otherwise altered

NOTE: Violation of this Section is a Class 4 felony if the value of the appliance or appliances exceeds \$1,000 and a Class B Misdemeanor if the value of the appliance or appliances is \$1,000 or less. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 83-1010 (July 1, 1984); Amended - P.A. 83-1362 and 87-435.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-31

FALSE STATEMENT FOR PURPOSE OF PROCURING CREDIT CARD³

In violation of SECTION 17-31 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), made¹ a written false statement respecting his identity,² being a credit card³ application, wherein he falsely identified himself as Don Smith, knowing it was false and with the intent that it be relied on for the purpose of procuring the issuance of a Krell Credit Card,³ a copy of the credit card³ application is attached hereto and made a part hereof by reference thereto.⁴

¹or caused to be made, either directly or indirectly; ²his address or his employment, or that of any other person, firm or corporation; ³or debit card; ⁴although not indispensable to the validity of the complaint, a copy of the written false statement should be attached to the complaint if it is available. If unavailable at time the complaint is drafted, the false written statement should be described in as much detail as possible and the underlined words set forth above should be omitted.

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Act is guilty of a Class 3 felony. The charging instrument must state prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 78-777 (October 1, 1973); Amended - P.A. 84-486 and 90-189. This subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-32(a)

POSSESSION OF THE IDENTIFICATION CARD¹ OF ANOTHER

In violation of SECTION 17-32(a) of ACT 250 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to defraud, possessed a check guarantee card,¹ which was issued by the Union City Bank to Don Smith, without the authority of Don Smith or the Union City Bank.

¹or key card or identification card for cash dispensing machines.

CHARGING NOTES: **(1)** Any person convicted of a second or subsequent offense under this Subdivision 25 is guilty of a Class 3 felony. For purposes of this Section, an offense is considered a second or subsequent offense if, prior to his or her conviction of the offense, the offender has at any time been convicted under this Subdivision 25, or under any prior Act, or under any law of the United States or of any state relating to credit card or debit card offenses. See Appendix A for discussion. (720 ILCS 5/17-48) **(2)** A person who, within any 12-month period, violates subsection (a) of this Section at the same time or consecutively with respect to 3 or more cards, each the property of different account holders is guilty of a Class 4 felony. A person convicted under subsection (a) of this Section, when the value of property so obtained, in a single transaction or in separate transactions within any 90-day period, exceeds \$150 is guilty of a Class 4 felony.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 78-777 (October 1, 1973); Amended - P.A. 84-486 and 90-189. This subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Misdemeanor (Class A)

BOND: \$1500

720 ILCS 5/ 17-32(b)

POSSESSION OF THE CREDIT CARD¹ OF ANOTHER

In violation of SECTION 17-32(b) of ACT 250 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), received a Krell Credit Card,¹ number XXXX, of Don Smith, the cardholder, from the person² of Don Smith without the consent of Don Smith.

¹or debit card; ²or the possession, custody, or control.

NOTE: This offense may also be committed if the defendant, with knowledge that the card has been so acquired, receives the credit card or debit card with the intent to use it or to sell it, or to transfer it to a person other than the issuer or the cardholder.

NOTE: The trier of fact may infer that a person who has in his or her possession or under his or her control 2 or more such credit cards or debit cards each issued to a cardholder other than himself or herself has violated this Section.

CHARGING NOTES: A person who, in any 12-month period, violates subsection (b) of this Section with respect to 3 or more credit cards or debit cards each issued to a cardholder other than himself or herself is guilty of a Class 3 felony. Any person convicted of a second or subsequent offense under this Subdivision 25 is guilty of a Class 3 felony. For purposes of this Section, an offense is considered a second or subsequent offense if, prior to his or her conviction of the offense, the offender has at any time been convicted under this Subdivision 25, or under any prior Act, or under any law of the United States or of any state relating to credit card or debit card offenses. See Appendix A for discussion. (720 ILCS 5/17-48)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 78-777 (October 1, 1973); Amended - P.A. 84-486 and 90-189. This subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-33

RECEIVING LOST OR MISLAID CREDIT CARD¹

In violation of SECTION 17-33 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), received a Krell Credit Card,¹ number XXXX, of Don Smith, the cardholder, knowing it to have been lost or mislaid, and retained possession of the credit card¹ with the intent to sell it² to a person other than the cardholder.³

¹or debit card; ²or with the intent to use it, or transfer it to a person other than the issuer or the cardholder; ³or the issuer

CHARGING NOTES: A person who, in a single transaction, violates this Section with respect to 3 or more credit cards or debit cards, each issued to different cardholders other than him, is guilty of a Class 3 felony. See Sentencing Guide for discussion. Any person convicted of a second or subsequent offense under this Act is guilty of a Class 3 felony. The charging instrument must state prior conviction. See Appendix A for discussion. (720 ILCS 5/17-48)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 78-777 (October 1, 1973); Amended - P.A. 84-486 and 90-189. This subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-34

SALE OF ANOTHER'S CREDIT CARD¹ WITHOUT ISSUER'S CONSENT

In violation of SECTION 17-34 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a person other than the issuer, Krell Oil Company, Inc., knowingly and unlawfully sold to Sam Smith a Krell credit card,¹ number XXXX, without the consent of the issuer.

¹or debit card

CHARGING NOTES: (1) A person who, in a single transaction, makes a sale prohibited by this Section with respect to 3 or more credit cards or debit cards each issued to different cardholders is guilty of a Class 3 felony, and bond must be set by Judge. See Sentencing Guide for discussion. (2) Any person convicted of a second or subsequent offense under this Subdivision 25 is guilty of a Class 3 felony. For purposes of this Section, an offense is considered a second or subsequent offense if, prior to his or her conviction of the offense, the offender has at any time been convicted under this Subdivision 25, or under any prior Act, or under any law of the United States or of any state relating to credit card or debit card offenses. (720 ILCS 5/ 17-48) (3) A person who knowingly purchases a credit card or debit card from a person other than the issuer, without the consent of the issuer, is guilty of a Class 4 felony.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 78-777 (October 1, 1973); Amended - P.A. 84-486 & 90-189. This subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 4) **BOND:** Must be Set by Judge

720 ILCS 5/ 17-35

OBTAINING CREDIT CARD² AS SECURITY FOR DEBT WITH INTENT TO DEFRAUD

In violation of SECTION 17-35 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to defraud the issuer,¹ Krell Oil Company, Inc., obtained control over a Krell credit card,² number XXXX, as a security for a debt.³

¹or a person providing a item or items of value, or any other person; ²or debit card; ³specify particulars of debt if known

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Subdivision 25 is guilty of a Class 3 felony. For purposes of this Section, an offense is considered a second or subsequent offense if, prior to his or her conviction of the offense, the offender has at any time been convicted under this Subdivision 25, or under any prior Act, or under any law of the United States or of any state relating to credit card or debit card offenses. (720 ILCS 5/17-48)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 78-777 (October 1, 1973); Amended - P.A. 84-486 and 90-189. This subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 4) **BOND:** Must be Set by Judge

720 ILCS 5/ 17-35

TRANSFER OF CREDIT CARD³ AS SECURITY FOR DEBT WITH INTENT TO DEFRAUD

In violation of SECTION 17-35 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to defraud the issuer,¹ Krell Oil Company, Inc., transferred² over a Krell credit card,³ number XXX to Don Smith, as security for a debt.⁴

¹or person providing an item or items of value, or any other person; ²or conveyed or gave control; ³or debit card; ⁴specify particulars of debt if known

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Subdivision 25 is guilty of a Class 3 felony. For purposes of this Section, an offense is considered a second or subsequent offense if, prior to his or her conviction of the offense, the offender has at any time been convicted under this Subdivision 25, or under any prior Act, or under any law of the United States or of any state relating to credit card or debit card offenses. (720 ILCS 5/17-48)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-36

UNLAWFUL USE OF CREDIT CARD²

In violation of SECTION 17-36 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to defraud the issuer,¹ Krell Oil Company, Inc., used a Krell credit card,² number XX, which he knew was revoked³ for the purpose of obtaining goods,⁴ 18.2 gallons of gasoline, having a total value not exceeding \$300.00.⁵

¹or a person providing money, goods, property, service or anything else of value, or any other person; ²or debit card; ³or a credit card or debit card obtained or retained in violation of this Act, or without the cardholder's consent; or a credit card or debit card which he knew was counterfeited, forged, or expired; ⁴or money, property, services or anything else of value; ⁵if the value of the item(s) obtained exceeds \$300.00 in any six month period, the offense is then classified as a Class 3 felony. See Sentencing Guide for discussion.

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Subdivision 25 is guilty of a Class 3 felony. For purposes of this Section, an offense is considered a second or subsequent offense if, prior to his or her conviction of the offense, the offender has at any time been convicted under this Subdivision 25, or under any prior Act, or under any law of the United States or of any state relating to credit card or debit card offenses. (720 ILCS 5/17-48)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 78-777 (October 1, 1973); Amended - P.A. 84-486 & 90-189. This subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-36

UNLAWFUL USE OF CREDIT CARD⁴

In violation of SECTION 17-36 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to defraud the issuer,¹ Krell Oil Company, Inc., obtained goods,² four (4) B.F. Badrich whitewall tires, size B 78-14, having a total value exceeding \$300.00,³ by representing without the consent of the cardholder, Don Smith, that he was the holder of Krell credit card,⁴ number XXX issued to Don Smith.⁵

¹or a person providing money, goods, property, services or anything else of value, or any other person; ²or money, property, services or anything else of value; ³if the value of the item(s) obtained does not exceed \$300.00 in any six month period, the offense is classified as a Class 4 felony. See Sentencing Guide for discussion; ⁴or debit card; ⁵or by representing that he is the holder of a card and such card has not, in fact, been issued

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Subdivision 25 is guilty of a Class 3 felony. For purposes of this Section, an offense is considered a second or subsequent offense if, prior to his or her conviction of the offense, the offender has at any time been convicted under this Subdivision 25, or under any prior Act, or under any law of the United States or of any state relating to credit card or debit card offenses. (720 ILCS 5/17-48)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: his subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 17-37

UNLAWFUL USE OF CREDIT CARD¹

In violation of SECTION 17-37 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a Krell credit card¹ holder,² with the intent to defraud the issuer,³ Krell Oil Company, Inc., obtained goods,⁴ 16.7 gallons of gasoline and one quart of oil, having a total value not exceeding \$300.00,⁵ by using⁶ Krell credit card,¹ number XX, which had been issued to him, in that, at the time of the purchase, he knew the credit card¹ was revoked.⁷

¹or debit card; ²the holder of any credit card or debit card; ³or a person providing money, goods, property, services or anything of value, or any other person; ⁴or property, services or anything of value; ⁵if the value of all the items exceeds \$300.00 in any six month period, the offense is classified as a Class 3 felony and bond must be set by Judge. See Sentencing Guide for discussion; ⁶or allowing another person to use a credit card or debit card issued to him. (See following complaint); ⁷the act(s) which constitutes the "intent to defraud" should be spelled out in detail

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Subdivision 25 is guilty of a Class 3 felony. For purposes of this Section, an offense is considered a second or subsequent offense if, prior to his or her conviction of the offense, the offender has at any time been convicted under this Subdivision 25, or under any prior Act, or under any law of the United States or of any state relating to credit card or debit card offenses. (720 ILCS 5/17-48)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-38(a)

UNLAWFUL USE OF ACCOUNT NUMBERS¹

In violation of SECTION 17-38(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to defraud the issuer,² Krell Oil Company, Inc., utilized an account number maintained by Krell Oil Company, Inc. to obtain \$130.³

¹or code; ²or a person providing an item or items of value, or any person; ³or code or entered information on a record of charge form with the intent to obtain an item or items of value.

CHARGING NOTES: (1) A defendant is guilty of a Class 4 felony if the value of the item or items of value obtained does not exceed \$150 in any 6-month period; and is guilty of a Class 3 felony if the value exceeds \$150 in any 6-month period. (2) Any person convicted of a second or subsequent offense under this Subdivision 25 is guilty of a Class 3 felony. For purposes of this Section, an offense is considered a second or subsequent offense if, prior to his or her conviction of the offense, the offender has at any time been convicted under this Subdivision 25, or under any prior Act, or under any law of the United States or of any state relating to credit card or debit card offenses. (720 ILCS 5/17-48)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-38(b)

UNLAWFUL USE OF ACCOUNT NUMBERS¹

In violation of SECTION 17-38(b) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to defraud the issuer,² Krell Oil Company, Inc., possessed record of charge forms bearing the printed impression of a credit card issued by Krell Oil Company.

¹or code; ²or a person providing an item or items of value, or any person;

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Subdivision 25 is guilty of a Class 3 felony. For purposes of this Section, an offense is considered a second or subsequent offense if, prior to his or her conviction of the offense, the offender has at any time been convicted under this Subdivision 25, or under any prior Act, or under any law of the United States or of any state relating to credit card or debit card offenses. (720 ILCS 5/17-48)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-39

RECEIVING GOODS IN VIOLATION OF CREDIT CARD AND DEBIT CARD ACT

In violation of SECTION 17-39 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), received goods¹ having a total value in excess of \$150.00,² being a Russian Muskrat coat and matching Russian Muskrat hat, which goods¹ were obtained in violation of Section 17-41 of the this Act,³ knowing that the goods had been so obtained.⁴

¹or money, property, services or anything else of value; ²if the value of the item(s) obtained does not exceed \$150.00 in any six month period, the offense is classified as a Class A misdemeanor and bond is \$1,500. See Sentencing Guide for discussion; ³any section of this Act dealing with offenses involving Credit or Debit Cards; ⁴or under such circumstances as would reasonably induce him to believe that it was so obtained

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Subdivision 25 is guilty of a Class 3 felony. For purposes of this Section, an offense is considered a second or subsequent offense if, prior to his or her conviction of the offense, the offender has at any time been convicted under this Subdivision 25, or under any prior Act, or under any law of the United States or of any state relating to credit card or debit card offenses. (720 ILCS 5/17-48)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 78-777 (October 1, 1973); Amended - P.A. 84-486. This subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge
(See² above)

720 ILCS 5/ 17-40

SIGNING CREDIT CARD² OF ANOTHER

In violation of SECTION 17-40 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a person other than the cardholder, Don Smith, and with the intent to defraud the purported issuer,¹ Krell Oil Company, Inc., signed a Krell credit card,² bearing the name of Don Smith.

¹or a person providing money, goods, property, services or anything else of value, or any person; ²any credit card or debit card or purported credit card or debit card.

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Subdivision 25 is guilty of a Class 3 felony. For purposes of this Section, an offense is considered a second or subsequent offense if, prior to his or her conviction of the offense, the offender has at any time been convicted under this Subdivision 25, or under any prior Act, or under any law of the United States or of any state relating to credit card or debit card offenses. (720 ILCS 5/17-48)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was recently re-numbered by Public Act 96-1551. (Effective: 7-1-11).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-41(a)(i)

ALTERATION OF CREDIT CARD³

In violation of SECTION 17-41(a)(i) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to defraud Krell Oil Company, Inc., the purported issuer,¹ altered a Krell credit card² bearing the name John Jacobs in that the number of the credit card,³ XXX was altered to read YYY and the expiration date of 12-08 was altered to 12-18, a copy of the altered credit card³ is attached hereto and made a part hereof by reference thereto.⁴

¹or a person providing an item or items of value, or any other person; ²any credit card or debit card or purported credit card or debit card; ³or debit card; ⁴although not indispensable to the validity of the complaint, a copy of the altered credit card should be attached to the complaint if it is available. If unavailable at the time the complaint is drafted, the altered credit card should be described in as much detail as possible and the underlined words set forth above should be omitted.

NOTE: This subsection may also be violation when the defendant, with the intent to defraud either the Card issuer or a person providing an item or items of value, possesses a credit card or debit care or a purported credit card or debit card with the knowledge that the same has been altered.

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Subdivision 25 is guilty of a Class 3 felony. For purposes of this Section, an offense is considered a second or subsequent offense if, prior to his or her conviction of the offense, the offender has at any time been convicted under this Subdivision 25, or under any prior Act, or under any law of the United States or of any state relating to credit card or debit card offenses. (720 ILCS 5/17-48)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 78-777 (October 1, 1973); Amended - P.A. 84-486. This complaint was recently amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-41(a)(ii)

COUNTERFEITING CREDIT CARD²

In violation of SECTION 17-41(a)(ii) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to defraud the purported issuer,¹ Krell Oil Company, Inc. counterfeited³ a credit card² which purported to be Krell credit card² number XX, bearing the name of Don Smith and the expiration date of 12-10, a copy of the altered credit card² is attached hereto and made a part hereof by reference thereto.⁴

¹or a person providing money, goods, property, services or anything else of value, or any other person; ²or a debit card; ³or possessed or delivered credit card or debit card with the knowledge that the card had been counterfeited; ⁴see footnote⁴ on prior page for discussion of necessity of attaching item

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Subdivision 25 is guilty of a Class 3 felony. For purposes of this Section, an offense is considered a second or subsequent offense if, prior to his or her conviction of the offense, the offender has at any time been convicted under this Subdivision 25, or under any prior Act, or under any law of the United States or of any state relating to credit card or debit card offenses. (720 ILCS 5/17-48)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 78-777 (October 1, 1973); Amended - P.A. 84-486. This complaint was recently re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 17-42

POSSESSION OF INCOMPLETE CREDIT CARD¹

In violation of SECTION 17-42 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a person other than the cardholder, possessed an incomplete Krell credit card,² in that the card did not have a number, name, or expiration date stamped thereon, with the intent to complete the credit card¹ without the consent of the issuer, Krell Oil Company, Inc., a copy of the incomplete credit card¹ is attached hereto and made a part hereof by reference thereto.³

¹or debit card; ²any incomplete credit card or debit card; ³although not indispensable to the validity of the complaint, a copy of the incomplete credit card or debit card should be attached to the complaint if it is available. If unavailable at the time the complaint is drafted, the incomplete credit card or debit card should be described in as much detail as possible and the underlined words set forth above should be omitted.

NOTE: The trier of fact may infer that a person other than the cardholder or issuer who possesses 2 or more incomplete credit cards or debit cards possesses those cards without the consent of the issuer.

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Subdivision 25 is guilty of a Class 3 felony. For purposes of this Section, an offense is considered a second or subsequent offense if, prior to his or her conviction of the offense, the offender has at any time been convicted under this Subdivision 25, or under any prior Act, or under any law of the United States or of any state relating to credit card or debit card offenses. (720 ILCS 5/17-48)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 78-777 (October 1, 1973); Amended - P.A. 84-486. This complaint was amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 17-42

POSSESSION OF MACHINERY DESIGNED TO REPRODUCE CREDIT CARDS²

In violation of SECTION 17-42 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), possessed, with knowledge of its character, machinery¹ designed to reproduce instruments purporting to be credit cards² of Krell Oil Company, Inc., an issuer of credit cards,² who had not consented to the preparation of such credit cards.²

¹or plates or any other contrivance designed to reproduce instruments purporting to be credit cards or debit cards; ²or debit cards

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Subdivision 25 is guilty of a Class 3 felony. For purposes of this Section, an offense is considered a second or subsequent offense if, prior to his or her conviction of the offense, the offender has at any time been convicted under this Subdivision 25, or under any prior Act, or under any law of the United States or of any state relating to credit card or debit card offenses. (720 ILCS 5/17-48)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was recently re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 17-43

UNLAWFUL DEPOSIT

In violation of SECTION 17-43 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), who received value, \$500.00, as a result of a forged¹ check² having been deposited, via an electronic fund transfer terminal, into account number XXX held by the First National Bank of Union City, knowing at the time of the receipt of said value that the check² so deposited was forged.¹

¹or a false, fictitious, altered or counterfeit; ²or a draft, money order or any other such document

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Subdivision 25 is guilty of a Class 3 felony. For purposes of this Section, an offense is considered a second or subsequent offense if, prior to his or her conviction of the offense, the offender has at any time been convicted under this Subdivision 25, or under any prior Act, or under any law of the United States or of any state relating to credit card or debit card offenses. (720 ILCS 5/17-48)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was recently re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-43

UNLAWFUL DEPOSIT

In violation of SECTION 17-43 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), who received value, \$500.00, as a result of a forged¹ check² having been deposited, via an electronic fund transfer terminal, into account number XXX held by the First National Bank of Union City, knowing at the time of the receipt of said value that the check² so deposited was forged.¹

¹or a false, fictitious, altered or counterfeit; ²or a draft, money order or any other such document

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Subdivision 25 is guilty of a Class 3 felony. For purposes of this Section, an offense is considered a second or subsequent offense if, prior to his or her conviction of the offense, the offender has at any time been convicted under this Subdivision 25, or under any prior Act, or under any law of the United States or of any state relating to credit card or debit card offenses. (720 ILCS 5/17-48)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was recently re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-44

FRAUDULENT USE OF ELECTRONIC TRANSMISSION

In violation of SECTION 17-44 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to defraud the issuer,¹ the First National Bank of Union City altered² electronic information between an electronic fund transfer terminal and the issuer³ for the purpose of obtaining value, \$500.00.⁴

¹or the cardholder, or any other person; ²or intercepted or tapped; ³or originated electronic information to an electronic fund transfer terminal or to the issuer, via any line, wire, or any other means of electronic transmission, at any junction, terminal, or device, or at any location within the EFT System; ⁴or for any value

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Subdivision 25 is guilty of a Class 3 felony. For purposes of this Section, an offense is considered a second or subsequent offense if, prior to his or her conviction of the offense, the offender has at any time been convicted under this Subdivision 25, or under any prior Act, or under any law of the United States or of any state relating to credit card or debit card offenses. (720 ILCS 5/17-48)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 84-486 (Sept. 17, 1985). This complaint was recently re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-44

FRAUDULENT USE OF ELECTRONIC TRANSMISSION

In violation of SECTION 17-44 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to defraud the issuer,¹ the First National Bank of Union City, altered² electronic information between an electronic fund transfer terminal and the issuer³ and thereby caused \$500.00⁴ to be transferred from account number 5444 to account number 5443 within the First National Bank of Union City.

¹or the cardholder or any other person; ²or intercepted or tapped; ³or originated electronic information to an electronic fund transfer terminal or to the issuer, via any line, wire, or any other means of electronic transmission, at any junction, terminal, or device, or at any location within the EFT System; ⁴or any amount

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Subdivision 25 is guilty of a Class 3 felony. For purposes of this Section, an offense is considered a second or subsequent offense if, prior to his or her conviction of the offense, the offender has at any time been convicted under this Subdivision 25, or under any prior Act, or under any law of the United States or of any state relating to credit card or debit card offenses. (720 ILCS 5/17-48)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was recently re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-46

FURNISHING GOODS IN VIOLATION OF CREDIT CARD
AND DEBIT CARD ACT

In violation of SECTION 17-46 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a sole proprietor doing business as Billy Bob's Krell Service Center, a person authorized by the issuer, Krell Oil Company, Inc., to furnish goods¹ upon presentation of a Krell credit card² by a cardholder,⁴ with the intent to defraud the issuer³ furnished goods,¹ being 14.1 gallons of gasoline, having a total value not exceeding \$150.00⁵ to Don Smith, a cardholder, upon representation by Don Smith of a Krell credit card,² number XX, which the defendant knew was expired.⁶

¹or money, property, services or anything of value; ²or debit card; ³or an agent or employee of the issuer; ⁴or any cardholder; ⁵if the value of the total items furnished in violation of this Section in any six-month period exceeds \$150.00, the offense is classified as a Class 4 felony and bond must be set by Judge. See Sentencing Guide for discussion; ⁶or upon presentation of a credit card or debit card obtained or retained in violation of this Act; or a credit card or debit card that he knew was counterfeited, forged or revoked

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Subdivision 25 is guilty of a Class 3 felony. For purposes of this Section, an offense is considered a second or subsequent offense if, prior to his or her conviction of the offense, the offender has at any time been convicted under this Subdivision 25, or under any prior Act, or under any law of the United States or of any state relating to credit card or debit card offenses. (720 ILCS 5/17-48)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was recently re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 17-47

FAILURE TO FURNISH ITEMS OF VALUE

In violation of SECTION 17-47 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a sole proprietor doing business as Billy Bob's Krell Service Center, a person authorized by the issuer, Krell Oil Company, Inc., to furnish goods¹ upon presentation of a Krell credit card² by a cardholder,⁴ with the intent to defraud the issuer³ failed furnished goods,¹ being 14.1 gallons of gasoline, having a total value not exceeding \$150.00⁵ to Don Smith, a cardholder, upon representation by Don Smith of a Krell credit card,² number XX, which the defendant represented to the issuer to have been furnished.

¹or money, property, services or anything of value; ²or debit card; ³or an agent or employee of the issuer; ⁴or any cardholder; ⁵if the value of the total items furnished in violation of this Section in any six-month period exceeds \$150.00, the offense is classified as a Class 4 felony and bond must be set by Judge. See Sentencing Guide for discussion.

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Subdivision 25 is guilty of a Class 3 felony. For purposes of this Section, an offense is considered a second or subsequent offense if, prior to his or her conviction of the offense, the offender has at any time been convicted under this Subdivision 25, or under any prior Act, or under any law of the United States or of any state relating to credit card or debit card offenses. (720 ILCS 5/17-48)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was recently re-numbered by Public Act 96-1551; Eff. 7-1-11.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 17-50(a)(1)

COMPUTER FRAUD

In violation of SECTION 17-50(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly accessed¹ a computer² owned by the Union City Bank with the intent of executing³ a scheme⁴ to defraud the Union City Bank of \$50,000 United States Currency.

¹or caused to be accessed; ²or any part thereof, or a program or data; ³or devising; ⁴or an artifice to defraud or as part of a deception

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Laws 1961, p. 1983, § 16D-5, § 16D-6, added by P.A. 85-926, § 1, eff. Dec. 1, 1987. Section 16D-6 amended by P.A. 85-1042 and P.A. 96-712 § 16D-5 and § 16D-6 renumbered and amended as § 17-50 by P.A. 96-1551, eff. July 1, 2011.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-50(a)(2)

COMPUTER FRAUD

In violation of SECTION 17-50(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly obtained the use of¹ a computer² owned by the Union City Bank in connection with a scheme³ to defraud the Union City Bank of \$50,000 United States Currency.

¹or damaged or destroyed; ²or any part thereof or altered, deleted or removed any program or data contained therein; ³or artifice to defraud, or as part of a deception

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was recently re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 17-50(a)(3)

COMPUTER FRAUD

In violation of SECTION 17-50(a)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly accessed¹ a computer² owned by the Union City Bank and obtained \$50,000 United States Currency³ in connection with a scheme,⁴ to defraud the Union City Bank.

¹or caused to be accessed; ²or any part thereof, or a program or data; ³or control over any such money, property or services of another; ⁴or artifice to defraud, or as part of a deception

CHARGING NOTE: If the amount taken in this offense is less than \$1,000 the offense is a Class 4 felony and if the amount is more than \$1,000 but less than \$50,000 the offense is a Class 3 felony. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was recently re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

(Amended Complaint)

720 ILCS 5/ 17-51(a)(1)

COMPUTER TAMPERING

In violation of SECTION 17-51(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and without the authorization¹ of Don Smith, accessed² a computer³ owned by Don Smith.

¹or acted in excess of the authority granted to him; ²or caused to be accessed; ³or any part thereof, a computer network or a program or data

NOTE: For purposes of subsection (a), accessing a computer network is deemed to be with the authorization of a computer's owner if: (1) the owner authorizes patrons, customers, or guests to access the computer network and the person accessing the computer network is an authorized patron, customer, or guest and complies with all terms or conditions for use of the computer network that are imposed by the owner; or (2) the owner authorizes the public to access the computer network and the person accessing the computer network complies with all terms or conditions for use of the computer network that are imposed by the owner **or (3) the person accesses the computer network in compliance with the Revised Uniform Fiduciary Access to Digital Assets Act (2015).** (§ a-10)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was recently re-numbered by Public Act 96-1551; Eff: 7-1-11. **Amended by: Public Act 99-775; Eff: 8-12-16.**

CHARGE: Misdemeanor (Class B)

BOND: \$1,500

720 ILCS 5/ 17-51(a)(2)

COMPUTER TAMPERING

In violation of SECTION 17-51(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and without the authorization¹ of the Union City Power Company, accessed² a computer³ owned by the Union City Power Company and thereby obtained data⁴ from the Union City Power Company.

¹or acted in excess of the authority granted to him; ²or caused to be accessed; ³or any part thereof, a computer network or a program or data; ⁴or services

NOTE: For purposes of subsection (a), accessing a computer network is deemed to be with the authorization of a computer's owner if: (1) the owner authorizes patrons, customers, or guests to access the computer network and the person accessing the computer network is an authorized patron, customer, or guest and complies with all terms or conditions for use of the computer network that are imposed by the owner; or (2) the owner authorizes the public to access the computer network and the person accessing the computer network complies with all terms or conditions for use of the computer network that are imposed by the owner **or (3) the person accesses the computer network in compliance with the Revised Uniform Fiduciary Access to Digital Assets Act (2015).** (§ a-10)

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Act is guilty of a Class 4 felony. The charging instrument must state prior conviction. See **Appendix A** for discussion.

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide.**

Legislative History: This complaint was recently re-numbered by Public Act 96-1551; Eff: 7-1-11. **Amended by: Public Act 99-775; Eff: 8-12-16.**

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 17-51(a)(3)

COMPUTER TAMPERING

In violation of SECTION 17-51(a)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and without the authorization¹ of the Union City Power Company, accessed² a computer³ owned by the Union City Power Company and thereafter damaged⁴ that computer.

¹or acted in excess of the authority granted to him; ²or caused to be accessed; ³or any part thereof, a computer network or a program or data; ⁴or destroyed that computer or altered, deleted or removed a computer program or data.

NOTE: For purposes of subsection (a), accessing a computer network is deemed to be with the authorization of a computer's owner if: (1) the owner authorizes patrons, customers, or guests to access the computer network and the person accessing the computer network is an authorized patron, customer, or guest and complies with all terms or conditions for use of the computer network that are imposed by the owner; or (2) the owner authorizes the public to access the computer network and the person accessing the computer network complies with all terms or conditions for use of the computer network that are imposed by the owner **or (3) the person accesses the computer network in compliance with the Revised Uniform Fiduciary Access to Digital Assets Act (2015).** (§ a-10))

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Act is guilty of a Class 3 felony. The charging instrument must state prior conviction. See **Appendix A** for discussion.

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide**.

Legislative History: This complaint was recently re-numbered by Public Act 96-1551; Eff: 7-1-11. **Amended by: Public Act 99-775; Eff: 8-12-16.**

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-51(a)(4)(A)

COMPUTER TAMPERING

In violation of SECTION 17-51(a)(4)(A) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), did insert¹ a program into a computer owned by Don Smith knowing² that such program did contain information³ that would⁴ destroy⁵ that computer.⁶

¹or attempt to insert; ²or having reason to know; ³or commands; ⁴or may; ⁵or damage; ⁶or any other computer subsequently accessing or being accessed by that computer, or (B) that will or may alter, delete or remove a computer program or data from that computer, or any other computer program or data in a computer subsequently accessing or being accessed by that computer, or (C) may cause loss to the users of that computer or the users of a computer which accesses or which is accessed by such program

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Act is guilty of a Class 4 felony. The charging instrument must state prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was recently amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-52(a)(1)

AGGRAVATED COMPUTER TAMPERING

In violation of SECTION 16D-4(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), in committing the offense of computer tampering in violation of Section 17-51(a)(1)¹ of Act 5 of Chapter 720 of the Illinois Compiled Statutes, knowingly caused a disruption² of the operations³ of the Union City Power Company, a public utility.⁴

¹or any subsection of the offense of computer tampering; ²or interference with; ³or with the vital service; ⁴or any public utility or of State or local government

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 85-926 (December 1, 1987); Amended - P.A. 86-820. This complaint was recently re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 17-52(a)(2)

AGGRAVATED COMPUTER TAMPERING

In violation of SECTION 17-52(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), in committing the offense of computer tampering in violation of Section 17-51(a)(1)¹ of Chapter 720 of the Illinois Compiled Statutes, knowingly created a strong probability of death² to Don Smith³ in that (describe the condition created by this act of the defendant which placed the victim in peril of death²).

¹or any subsection of the offense of computer tampering; ²or great bodily harm; ³to one or more individuals

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was recently re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 17-52.5(b)(1)

UNLAWFUL USE OF ENCRYPTION

In violation of SECTION 17-52.5(b)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly used¹ encryption² to commit³ a criminal offense, to wit: (identify and describe the offense).

¹or attempted to use; ²either directly or indirectly; ³or facilitate, further, or promote.

CHARGING AND SENTENCING NOTE: A person who violates this Section is guilty of a Class A misdemeanor, unless the encryption was used or attempted to be used to commit an offense for which a greater penalty is provided by law. If the encryption was used or attempted to be used to commit an offense for which a greater penalty is provided by law, the person shall be punished as prescribed by law for that offense.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was recently re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Misdemeanor (Class A)

BOND: Must be Set by Judge

720 ILCS 5/ 17-52.5(b)(2)

UNLAWFUL USE OF ENCRYPTION

In violation of SECTION 17-52.5(b)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly used¹ encryption² to aid³ Don Smith⁴ to commit a criminal offense, to wit: (identify and describe the offense).

¹or attempted to use; ²either directly or indirectly; ³or assist or encourage; ⁴or another.

CHARGING AND SENTENCING NOTE: A person who violates this Section is guilty of a Class A misdemeanor, unless the encryption was used or attempted to be used to commit an offense for which a greater penalty is provided by law. If the encryption was used or attempted to be used to commit an offense for which a greater penalty is provided by law, the person shall be punished as prescribed by law for that offense.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was recently re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Misdemeanor (Class A)

BOND: Must be Set by Judge

720 ILCS 5/ 17-52.5(b)(3)

UNLAWFUL USE OF ENCRYPTION

In violation of SECTION 17-52.5(b)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly used¹ encryption² to conceal³ evidence of a criminal offense, to wit: (identify and describe the offense).

¹or attempted to use; ²either directly or indirectly; ³or protect.

CHARGING AND SENTENCING NOTE: A person who violates this Section is guilty of a Class A misdemeanor, unless the encryption was used or attempted to be used to commit an offense for which a greater penalty is provided by law. If the encryption was used or attempted to be used to commit an offense for which a greater penalty is provided by law, the person shall be punished as prescribed by law for that offense.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was recently re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Misdemeanor (Class A)

BOND: Must be Set by Judge

720 ILCS 5/ 17-52.5(b)(4)

UNLAWFUL USE OF ENCRYPTION

In violation of SECTION 17-52.5(b)(4) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly used¹ encryption² to conceal³ the identity of Dawn Smith, a person who has committed a criminal offense, to wit: (identify and describe the offense).

¹or attempted to use; ²either directly or indirectly; ³or protect.

CHARGING NOTE: A person who violates this Section is guilty of a Class A misdemeanor, unless the encryption was used or attempted to be used to commit an offense for which a greater penalty is provided by law. If the encryption was used or attempted to be used to commit an offense for which a greater penalty is provided by law, the person shall be punished as prescribed by law for that offense.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was recently re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Misdemeanor (Class A)

BOND: \$1500

720 ILCS 5/ 17-56(a)

UNLAWFUL FINANCIAL EXPLOITATION OF AN ELDERLY² PERSON

In violation of SECTION 17-56(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while standing in a position of trust and confidence¹ with Don Smith, an elderly² person, knowingly and by deception³ obtained control over Don Smith's bank accounts at the Second National Bank of Union City,⁴ having a value of more than \$5,000 but less than \$100,000.⁵

¹a person stands in a position of trust and confidence with an elderly person or person with a disability when he (i) is a parent, spouse, adult child or other relative by blood or marriage of the elderly person or person with a disability, (ii) is a joint tenant or tenant in common with the elderly person or person with a disability, (iii) has a legal or fiduciary relationship with the elderly person or person with a disability, (iv) is a financial planning or investment professional, or (v) is a paid or unpaid caregiver for the elderly person or person with a disability. ²or person with a disability; ³or by intimidation; ⁴or any property of the elderly or disabled person; ⁵or illegally used the assets or resources of an elderly person or a person with a disability

CHARGING NOTES: **(1)** For purposes of this subsection, the illegal use of the assets or resources of an elderly person or a person with a disability includes, but is not limited to, the misappropriation of those assets or resources by undue influence, breach of a fiduciary relationship, fraud, deception, extortion, or use of the assets or resources contrary to law. **(2)** If the value of the property is \$300 or less, this is a Class 4 felony. If the value of the property is more than \$300 but less than \$5,000, this is a Class 3 felony. If the value of the property is more than \$5,000 but less than \$50,000, this is a Class 2 felony. If the value of the property is over \$50,000, or if the elderly person is over 70 years of age and the value of the property is \$15,000 or more or if the elderly person is 80 years of age or older and the value of the property is \$5,000 or more, this offense is a Class 1 felony. See the **Sentencing Guide**.

PROCEDURAL NOTE: If a person is charged with financial exploitation of an elderly person or a person with a disability that involves the taking or loss of property valued at more than \$5,000, a prosecuting attorney may file a petition with the circuit court of the county in which the defendant has been charged to freeze the assets of the defendant in an amount equal to but not greater than the alleged value of lost or stolen property in the defendant's pending criminal proceeding for purposes of restitution to the victim. The burden of proof required to freeze the defendant's assets shall be by a preponderance of the evidence.

CIVIL LIABILITY: A civil cause of action exists for financial exploitation of an elderly person or a person with a disability as described in subsection (a) of this Section. A person against whom a civil judgment has been entered for an elderly person or person with a disability shall be liable to the victim or to the estate of the victim in damages of treble the amount of the value of the property obtained, plus reasonable attorney fees and court costs. In a civil action under this subsection, the ~~The~~ burden of proof that the defendant committed financial exploitation of an elderly person or a person with a disability as described in subsection (a) of this Section shall be by a preponderance of the evidence. This subsection shall be operative whether or not the defendant has been charged or convicted of the criminal offense as described in subsection (a) of this Section. This subsection (g) shall not limit or affect the right of any person to bring any cause of action or seek any remedy available under the common law, or other applicable law, arising out of the financial exploitation of an elderly person or a person with a disability. (720 ILCS 5/ 17-56(g))

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide**.

Legislative History: Created by Public Act 86-153 (Eff: 1-1-90). Amended by Public Acts 91-236, 92-808, 93-301 and 96-1551. This complaint was amended and re-numbered by Public Act 97-0482; Eff: 1-1-12 and then amended by Public Act: 97-0865; (Eff: 1-1-13).

This subsection was amended by Public Act 99-0272. Effective: 1-1-16.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 17-57(a)(4)

UNLAWFUL DEFRAUDING ALCOHOL¹ SCREENING TESTS

In violation of SECTION 17-57(a)(4) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly² possessed³ an adulterant (describe the adulterant) that was intended to be used to adulterate human substances (describe the substances) for the purpose of defrauding an alcohol¹ screening test.

¹or drug; ²or intentionally or recklessly; ³or manufactured or sold

NOTE: Other methods of violating this subsection are: (1) manufacturing, selling, giving away, distributing, or marketing synthetic or human substances or other products in this State or transporting urine into this State with the intent of using the synthetic or human substance or other products to defraud a drug or alcohol screening test; (2) attempting to foil or defeat a drug or alcohol screening test by the substitution or spiking of a sample or the advertisement of a sample substitution or other spiking device or measure; or (3) adulterating synthetic or human substances with the intent to defraud a drug or alcohol screening test.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This offense was added by Public Act 93-691 (Eff: 7-9-05).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 17-60(b)

UNLAWFUL PROMOTION OF PYRAMID SALES SCHEME

In violation of SECTION 17-60(b) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly sold¹ the right to participate in a pyramid sales scheme to Don Smith.

¹or offered to sell or attempted to sell

NOTE: The term "pyramid sales scheme" means any plan or operation whereby a person, in exchange for money or other thing of value, acquires the opportunity to receive a benefit or thing of value, which is primarily based upon the inducement of additional persons, by himself or others, regardless of number to participate in the same plan or operation and is not primarily contingent on the volume or quantity of goods, services or other property sold or distributed or to be sold or distributed to persons for purposes of resale to consumers. (720 ILCS 5/17-60(a))

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 83-808 (January 1, 1984). This complaint was recently amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

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