

AN ACT concerning criminal law.

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

Section 5. The Criminal Code of 1961 is amended by changing
Section 16G-20 as follows:

(720 ILCS 5/16G-20)

Sec. 16G-20. Aggravated identity theft.

(a) A person commits the offense of aggravated identity
theft when he or she commits the offense of identity theft as
set forth in subsection (a) of Section 16G-15:

(1) against a person 60 years of age or older or a
disabled person as defined in Section 16-1.3 of this Code;

or

(2) in furtherance of the activities of an organized
gang.

For purposes of this Section, "organized gang" has the
meaning ascribed to that term in Section 10 of the Illinois
Streetgang Terrorism Omnibus Prevention Act.

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

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

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

(d) A defense to aggravated identity theft under paragraph (a) (1) does not exist merely because the accused reasonably believed the victim to be a person less than 60 years of age.

(e) Sentence.

(1) Aggravated identity theft of credit, money, goods, services, or other property not exceeding \$300 in value is a Class 3 felony.

(2) Aggravated identity theft of credit, money, goods, services, or other property exceeding \$300 and not exceeding \$10,000 in value is a Class 2 felony.

(3) Aggravated identity theft of credit, money, goods, services, or other property exceeding \$10,000 in value and not exceeding \$100,000 in value is a Class 1 felony.

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

(5) A person who has been previously convicted of aggravated identity theft regardless of the value of the property involved who is convicted of a second or subsequent offense of aggravated identity theft regardless of the value of the property involved is guilty of a Class X felony.

Public Act 095-0199

HB0449 Enrolled

LRB095 04094 RLC 24132 b

(Source: P.A. 93-401, eff. 7-31-03; 94-39, eff. 6-16-05.)

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