

## CHAPTER THIRTEEN: CRIMES AGAINST PROPERTY

### OVERVIEW OF PROPERTY CRIMES IN ILLINOIS

Theft, burglary, and robbery are felonies in Illinois unless the value of the property taken is under \$300. Similarly, whether a crime against property is charged as a misdemeanor or a felony depends on the value of the property taken or damaged. The statute prohibiting criminal damage to property, for example, proscribes knowingly or recklessly damaging another's property, setting a fire on another's property, injuring another's domestic animal, and setting a stink bomb or other offensive-smelling compound on another's property. If the damage to the property is no more than \$300, these crimes are misdemeanors; if the damage equals more than \$300, the crimes are felonies. Similarly, criminal defacement of property is knowingly damaging another's property with paint, an etching tool, a writing instrument, or a similar device; the severity of punishment depends on the level of offense, which is a misdemeanor or felony depending on whether the property damage exceeds \$300. The punishment for property crimes ranges anywhere from a fine of \$25,000 to 30 years in prison.

The crime of identity theft occurs when someone, without your knowledge, acquires a piece of your personal information and uses it to commit fraud. Passed by Congress in 1998, the Identity Theft and Assumption Deterrence Act made it a felony to assume the identity of another person, in any form. The penalties for violation of this act are severe, with violators facing up to 20 years incarceration. Stolen identities are commonly used to commit a variety of other crimes, including bank fraud, wire fraud and mail fraud.

The Illinois "Computer Crime Prevention Law" makes unauthorized computer use a criminal offense. There are three offense categories defined by the Law.

#### 1. Computer Tampering

An individual may be prosecuted for this offense when access is gained to a computer, a program, or data, without permission from the owner. Unauthorized access, by itself, is a misdemeanor. Obtaining data or services is a misdemeanor for the first offense and a felony for subsequent offenses. Altering, damaging, destroying, or removing a computer, a program, or data, always is a felony. (These latter offenses include the use or attempted use of what commonly is referred to as a "computer virus.")

#### 2. Aggravated Computer Tampering

This offense occurs when computer tampering has the intended effect of: (a) disruption of or interference with vital services or operations of State or local government or a public utility, or (b) creating a strong probability of death or great bodily harm to other individuals. These offenses are punishable as felonies.

#### 3. Computer Fraud

This offense occurs when access to or use of a computer, program, or data is gained as part of a scheme to deceive or defraud. This includes the use of a computer to gain control over money, services, or property. In addition to its ordinary meaning, "property" in this context includes: electronic impulses, electronically produced data, confidential or copyrighted material, billing information, and software in any form. These offense are punishable as felonies.

### **ILLINOIS STATE STATUTE FOR PROPERTY CRIMES IN ILLINOIS (720 ILCS 5/) Criminal Code of 1961 Article 16. Theft and Related Offenses**

(720 ILCS 5/16-1) (from Ch. 38, par. 16-1)  
 Sec. 16-1. Theft.

(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 or under such circumstances as would reasonably induce him to believe that the property was stolen; or
- (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 of 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.

(b) Sentence.

- (1) Theft of property not from the person and not exceeding \$300 in value is a Class A misdemeanor.
  - (1.1) Theft of property not from the person and not exceeding \$300 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 governmental property.
- (2) A person who has been convicted of theft of property not from the person and not exceeding \$300 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 Section 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 vehicle, or a violation of 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 so 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) (Blank).
- (4) Theft of property from the person not exceeding \$300 in value, or theft of property exceeding \$300 and not exceeding \$10,000 in value, is a Class 3 felony.
  - (4.1) Theft of property from the person not exceeding \$300 in value, or theft of property exceeding \$300 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 governmental 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 governmental 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 governmental property.

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

(7) Theft by deception, as described by paragraph (2) of subsection (a) 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.

(c) 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.

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

(720 ILCS 5/18-1) (from Ch. 38, par. 18-1)

Sec. 18-1. Robbery.

(a) A person commits robbery when he or she takes property, except a motor vehicle covered by Section 18-3 or 18-4, from the person or presence of another by the use of force or by threatening the imminent use of force.

(b) Sentence.

Robbery is a Class 2 felony. However, if the victim is 60 years of age or over or is a physically handicapped person, or if the robbery is committed in a school or place of worship, robbery is a Class 1 felony.

(Source: P.A. 91-360, eff. 7-29-99.)

(720 ILCS 5/18-2) (from Ch. 38, par. 18-2)

Sec. 18-2. Armed robbery.

(a) A person commits armed robbery when he or she violates Section 18-1; and

(1) he or she carries on or about his or her person or is otherwise armed with a dangerous weapon other than a firearm; or

(2) he or she carries on or about his or her person or is otherwise armed with a firearm; or

(3) he or she, during the commission of the offense, personally discharges a firearm; or

(4) he or she, during the commission of the offense, personally discharges a firearm that proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.

(b) Sentence.

Armed robbery in violation of subsection (a)(1) is a Class X felony. A violation of subsection (a)(2) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(3) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(4) is a Class X felony for which 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

(Source: P.A. 91-404, eff. 1-1-00.)

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

Sec. 16D-3. Computer Tampering.

(a) A person commits the offense of computer tampering when he knowingly and without the authorization of a computer's owner, as defined in Section 15-2 of this Code, or in excess of the authority granted to him:

(1) Accesses or causes to be accessed a computer or any part thereof, or a program or data;

(2) Accesses or causes to be accessed a computer or any part thereof, or a program or data, and obtains data or services;

(3) Accesses or causes to be accessed a computer or any part thereof, or a program or data, and damages or destroys the computer or alters, deletes or removes a computer program or data;

(4) Inserts or attempts to insert a "program" into a computer or computer program knowing or having reason to believe that such "program" contains information or commands that will or may damage or destroy that computer, or any other computer subsequently accessing or being accessed by that computer, or 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 that will or may cause loss to the users of that computer or the users of a computer which accesses or which is accessed by such "program";

(5) Falsifies or forges electronic mail transmission information or other routing information in any manner in connection with the transmission of unsolicited bulk electronic mail through or into the computer network of an electronic mail service provider or its subscribers;

(a-5) It shall be unlawful for any person knowingly to sell, give, or otherwise distribute or possess with the intent to sell, give, or distribute software which (1) is primarily designed or produced for the purpose of facilitating or enabling the falsification of electronic mail transmission information or other routing information; (2) has only a limited commercially significant purpose or use other than to facilitate or enable the falsification of electronic mail transmission information or other routing information; or (3) is marketed by that person or another acting in concert with that person with that person's knowledge for use in facilitating or enabling the falsification of electronic mail transmission information or other routing information.

(b) Sentence.

(1) A person who commits the offense of computer tampering as set forth in subsection (a)(1), (a)(5), or (a-5) of this Section shall be guilty of a Class B misdemeanor.

(2) A person who commits the offense of computer tampering as set forth in subsection (a)(2) of this Section shall be guilty of a Class A misdemeanor and a Class 4 felony for the second or subsequent offense.

(3) A person who commits the offense of computer tampering as set forth in subsection (a)(3) or subsection (a)(4) of this Section shall be guilty of a Class 4 felony and a Class 3 felony for the second or subsequent offense.

(4) If the injury arises from the transmission of unsolicited bulk electronic mail, the injured person, other than an electronic mail

service provider, may also recover attorney's fees and costs, and may elect, in lieu of actual damages, to recover the lesser of \$10 for each and every unsolicited bulk electronic mail message transmitted in violation of this Section, or \$25,000 per day. The injured person shall not have a cause of action against the electronic mail service provider that merely transmits the unsolicited bulk electronic mail over its computer network.

(5) If the injury arises from the transmission of unsolicited bulk electronic mail, an injured electronic mail service provider may also recover attorney's fees and costs, and may elect, in lieu of actual damages, to recover the greater of \$10 for each and every unsolicited electronic mail advertisement transmitted in violation of this Section, or \$25,000 per day.

(6) The provisions of this Section shall not be construed to limit any person's right to pursue any additional civil remedy otherwise allowed by law.

(c) Whoever suffers loss by reason of a violation of subsection (a)(4) of this Section may, in a civil action against the violator, obtain appropriate relief. In a civil action under this Section, the court may award to the prevailing party reasonable attorney's fees and other litigation expenses.

(Source: P.A. 91-233, eff. 1-1-00.)

(720 ILCS 5/16D-4) (from Ch. 38, par. 16D-4)

Sec. 16D-4. Aggravated Computer Tampering. (a) A person commits aggravated computer tampering when he commits the offense of computer tampering as set forth in subsection (a)(3) of Section 16D-3 and he knowingly:

(1) causes disruption of or interference with vital services or operations of State or local government or a public utility; or

(2) creates a strong probability of death or great bodily harm to one or more individuals.

(b) Sentence. (1) A person who commits the offense of aggravated computer tampering as set forth in subsection (a)(1) of this Section shall be guilty of a Class 3 felony.

(2) A person who commits the offense of aggravated computer tampering as set forth in subsection (a)(2) of this Section shall be guilty of a Class 2 felony.

(Source: P.A. 86-820.)

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

Sec. 16D-5. Computer Fraud. (a) A person commits the offense of computer fraud when he knowingly:

(1) Accesses or causes to be accessed a computer or any part thereof, or a program or data, for the purpose of devising or executing any scheme, artifice to defraud, or as part of a deception;

(2) Obtains use of, damages, or destroys a computer or any part thereof, or alters, deletes, or removes any program or data contained therein, in connection with any scheme, artifice to defraud, or as part of a deception; or

(3) Accesses or causes to be accessed a computer or any part thereof, or a program or data, and obtains money or control over any such money, property, or services of another in connection with any scheme, artifice to defraud, or as part of a deception.

(b) Sentence. (1) A person who commits the offense of computer fraud as set forth in subsection (a)(1) of this Section shall be guilty of a Class 4 felony.

(2) A person who commits the offense of computer fraud as set forth in subsection (a)(2) of this Section shall be guilty of a Class 3 felony.

(3) A person who commits the offense of computer fraud as set forth in subsection (a)(3) of this Section shall:

- (i) be guilty of a Class 4 felony if the value of the money, property or services is \$1,000 or less; or
- (ii) be guilty of a Class 3 felony if the value of the money, property or services is more than \$1,000 but less than \$50,000; or
- (iii) be guilty of a Class 2 felony if the value of the money, property or services is \$50,000 or more.

(Source: P.A. 85-926.)

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

Sec. 16D-6. Forfeiture. 1. Any person who commits the offense of computer fraud as set forth in Section 16D-5 shall forfeit, according to the provisions of this Section, any monies, profits or proceeds, and any interest or property which the sentencing court determines he has acquired or maintained, directly or indirectly, in whole or in part, as a result of such offense. Such person shall also forfeit any interest in, security, claim against, or contractual right of any kind which affords him a source of influence over any enterprise which he has established, operated, controlled, conducted or participated in conducting, where his relationship to or connection with any such thing or activity directly or indirectly, in whole or in part, is traceable to any item or benefit which he has obtained or acquired through computer fraud.

Proceedings instituted pursuant to this Section shall be subject to and conducted in accordance with the following procedures:

(a) The sentencing court shall, upon petition by the prosecuting agency, whether it is the Attorney General or a State's Attorney, at any time following sentencing, conduct a hearing to determine whether any property or property interest is subject to forfeiture under this Section. At the forfeiture hearing the People of the State of Illinois shall have the burden of establishing, by a preponderance of the evidence, that the property or property interests are subject to such forfeiture.

(b) In any action brought by the People of the State of Illinois under this Section, the circuit courts of Illinois shall have jurisdiction to enter such restraining orders, injunctions or prohibitions, or to take such other action in connection with any real, personal, or mixed property or other interest subject to forfeiture, as they shall consider proper.

(c) In any action brought by the People of the State of Illinois under this Section, wherein any restraining order, injunction or prohibition or any other action in connection with any property or interest subject to forfeiture under this Section is sought, the circuit court presiding over the trial of the person or persons charged with computer fraud shall first determine whether there is probable cause to believe that the person or persons so charged have committed the offense of computer fraud and whether the property or interest is subject to forfeiture pursuant to this Section. In order to make this determination, prior to entering any such order, the court shall conduct a hearing without a jury, where the People shall establish: (1) probable cause that the person or persons so charged have committed the offense of computer fraud, and (2) probable cause that any property or interest may be subject to forfeiture pursuant to this Section. Such hearing may be conducted simultaneously with a preliminary hearing if the prosecution is commenced by information or complaint, or by motion of the People at any stage in the proceedings. The court may enter a finding of probable cause at a preliminary hearing following the filing of an information charging the offense of computer fraud or the return of an indictment by a grand jury charging the offense of computer fraud as sufficient evidence of

probable cause for purposes of this Section. Upon such a finding, the circuit court shall enter such restraining order, injunction or prohibition, or shall take such other action in connection with any such property or other interest subject to forfeiture under this Section as is necessary to insure that such property is not removed from the jurisdiction of the court, concealed, destroyed or otherwise disposed of by the owner or holder of that property or interest prior to a forfeiture hearing under this Section. The Attorney General or State's Attorney shall file a certified copy of such restraining order, injunction or other prohibition with the recorder of deeds or registrar of titles of each county where any such property of the defendant may be located. No such injunction, restraining order or other prohibition shall affect the rights of any bona fide purchaser, mortgagee, judgment creditor or other lienholder arising prior to the date of such filing. The court may, at any time, upon verified petition by the defendant, conduct a hearing to release all or portions of any such property or interest which the court previously determined to be subject to forfeiture or subject to any restraining order, injunction, prohibition or other action. The court may release such property to the defendant for good cause shown and within the sound discretion of the court.

(d) Upon conviction of a person under Section 16D-5, the court shall authorize the Attorney General to seize and sell all property or other interest declared forfeited under this Act, unless such property is required by law to be destroyed or is harmful to the public. The court may order the Attorney General to segregate funds from the proceeds of such sale sufficient: (1) to satisfy any order of restitution, as the court may deem appropriate; (2) to satisfy any legal right, title, or interest which the court deems superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to forfeiture under this Section; or (3) to satisfy any bona-fide purchaser for value of the right, title, or interest in the property who was without reasonable notice that the property was subject to forfeiture. Following the entry of an order of forfeiture, the Attorney General shall publish notice of the order and his intent to dispose of the property. Within the 30 days following such publication, any person may petition the court to adjudicate the validity of his alleged interest in the property.

After the deduction of all requisite expenses of administration and sale, the Attorney General shall distribute the proceeds of such sale, along with any moneys forfeited or seized as follows:

(1) 50% shall be distributed to the unit of local government whose officers or employees conducted the investigation into computer fraud and caused the arrest or arrests and prosecution leading to the forfeiture. Amounts distributed to units of local government shall be used for training or enforcement purposes relating to detection, investigation or prosecution of financial crimes, including computer fraud. In the event, however, that the investigation, arrest or arrests and prosecution leading to the forfeiture were undertaken solely by a State agency, the portion provided hereunder shall be paid into the State Police Services Fund of the Illinois Department of State Police to be used for training or enforcement purposes relating to detection, investigation or prosecution of financial crimes, including computer fraud.

(2) 50% shall be distributed to the county in which the prosecution and petition for forfeiture resulting in the forfeiture was instituted by the State's Attorney, and deposited in a special fund in the county treasury and appropriated to the State's Attorney for use in training or enforcement purposes relating to detection, investigation or prosecution of financial crimes, including computer fraud. Where a prosecution and petition for forfeiture resulting in the forfeiture has been maintained

by the Attorney General, 50% of the proceeds shall be paid into the Attorney General's Financial Crime Prevention Fund. Where the Attorney General and the State's Attorney have participated jointly in any part of the proceedings, 25% of the proceeds forfeited shall be paid to the county in which the prosecution and petition for forfeiture resulting in the forfeiture occurred, and 25% shall be paid to the Attorney General's Financial Crime Prevention Fund to be used for the purposes as stated in this subsection.

2. Where any person commits a felony under any provision of this Code or another statute and the instrumentality used in the commission of the offense, or in connection with or in furtherance of a scheme or design to commit the offense, is a computer owned by the defendant or if the defendant is a minor, owned by his or her parents or legal guardian, the computer shall be subject to the provisions of this Section. However, in no case shall a computer, or any part thereof, be subject to the provisions of the Section if the computer accessed in the commission of the offense is owned or leased by the victim or an innocent third party at the time of the commission of the offense or if the rights of creditors, lienholders, or any person having a security interest in the computer at the time of the commission of the offense shall be adversely affected.

(Source: P.A. 85-1042.)

(720 ILCS 5/16D-7) (from Ch. 38, par. 16D-7)

Sec. 16D-7. Rebuttable Presumption - without authority. In the event that a person accesses or causes to be accessed a computer, which access requires a confidential or proprietary code which has not been issued to or authorized for use by that person, a rebuttable presumption exists that the computer was accessed without the authorization of its owner or in excess of the authority granted.

(Source: P.A. 85-926.)

(720 ILCS 5/16G-15)

Sec. 16G-15. Identity theft.

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

(1) uses any personal identifying information or personal identification document of another person to fraudulently obtain credit, money, goods, services, or other property, or

(2) uses any personal identification information or personal identification document of another with 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 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.



(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 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) Sentence.

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

(A) identity theft of credit, money, goods, services, or other property not exceeding \$300 in value is a Class 4 felony. A person who has been previously convicted of identity theft of less than \$300 who is convicted of a second or subsequent offense of identity theft of less than \$300 is guilty of a Class 3 felony. A person who has been convicted of identity theft of less than \$300 who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, home repair fraud, aggravated home repair fraud, or financial exploitation of an elderly or disabled person is guilty of a Class 3 felony. When a person has any such prior conviction, the information or indictment charging that person shall state the prior conviction so as to give notice of the State's intention to treat the charge as a Class 3 felony. The fact of the 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 the trial.

(B) Identity theft of credit, money, goods, services, or other property exceeding \$300 and not exceeding \$2,000 in value is a Class 3 felony.

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

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

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

(2) A person convicted of any offense enumerated in paragraphs (2) through (5) of subsection (a) is guilty of a Class 3 felony.

(3) A person convicted of any offense enumerated in paragraphs (2) through (5) of subsection (a) a second or subsequent time is guilty of a Class 2 felony.

(4) A person who, within a 12 month period, is found in violation of any offense enumerated in paragraphs (2) through (5) of subsection (a) with respect to the identifiers of 3 or more separate individuals, at the same time or consecutively, is guilty of a Class 2 felony.

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

(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 against a person 60 years of age or older or a disabled person as defined in Section

16-1.3 of this Code.

(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 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.

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

## PROPERTY CRIME CASES IN ILLINOIS

### Attempt to apply the statute/s to the following cases:

*People of the State of Illinois v. Joseph Hauschild No. 2-03-085* During the early morning hours of August 14, 2001, two intruders, both of whom were carrying firearms, broke into the Wright residence in unincorporated St. Charles. The intruders entered the master bedroom of the home, where Thomas Wright and his wife Wendy were awoken. Mr. Wright initially complied with the intruders' demands. However, a struggle later ensued between Mr. Wright and one of the intruders. During the struggle, several rounds of ammunition were fired. The intruders eventually fled the scene carrying a lockbox. Mr. Wright sustained multiple gunshot wounds, requiring several surgeries as well as an extended period of hospitalization and rehabilitation. The Wrights' dog was also struck by a bullet.

Defendant and Ethan Warden were implicated in the crime. On September 14, 2001, a Kane County grand jury returned a six-count indictment against defendant. Count I of the indictment charged defendant with attempted first-degree murder (720 ILCS 5/8--4(a), 9--1(a)(1) (West 2000)). Count II charged defendant with armed robbery (720 ILCS 5/18--2(a)(4) (West 2000)). Counts III and IV charged defendant with home invasion (720 ILCS 5/12--11(a)(3), (a)(5) (West 2000)). Count V charged defendant with aggravated battery with a firearm (720 ILCS 5/12--4.2(a)(1) (West 2000)). Count VI charged defendant with criminal damage to property (720 ILCS 5/21--1(d) (West 2000)). Warden was charged with identical offenses. However, he entered into a plea agreement with the State. The terms of the plea agreement provided that the State would amend the armed-robbery charge and one of the home-invasion counts. Warden would then plead guilty to those two charges and serve consecutive sentences of six years' imprisonment for each

conviction. The agreement further provided that, "upon full and successful completion by [Warden] of all conditions," including Warden's testimony against defendant, the State would nol-pros the remaining charges.

***People of the State of Illinois v. Oasby Gilliam No. 77771*** On June 19, 1992, at approximately 2:15 p.m., bartender Russell Turner was alone at work at Sovereign Liquors, at 6202 N. Broadway in Chicago. Defendant entered the tavern and asked to use the restroom. Before he left, defendant put down a plastic grocery bag and ordered a beer. The bag contained a paper bag that held two bricks. When he returned, defendant changed his order. As Turner leaned over to fill a glass with ice, defendant struck Turner over the head with the bag, and a vicious struggle ensued. Defendant repeatedly pounded and stamped on Turner and struck him with a brick and a liquor bottle.

Turner eventually maneuvered himself such that he struggled to pull defendant out the tavern door, while defendant pulled Turner to keep him inside. Because Turner was covered in his own blood, defendant slipped out of Turner's hands and Turner went out the door. Once Turner was outside, defendant immediately ran out of the tavern. Defendant ran south on Broadway and then west on nearby Granville Avenue.

The victim in this case, Aileen D'Elia, lived on the first floor of a two-flat building at 6223 N. Lakewood Avenue. The victim was 79 years old, 5 feet 2 inches tall, and wore dentures. She wore a Medic Alert bracelet, wedding and engagement rings, a ring containing an aquamarine stone, earrings, a wristwatch, and a silver bracelet. Also, the victim owned a brown 1986 Chevrolet Caprice. The car was in good condition because the victim kept it in the garage behind her home.

On June 19, 1992, between 2:20 and 2:40 p.m., the victim returned home, driving her car onto a cement slab next to her garage. At approximately 4:30 p.m., the victim's granddaughter, who lived on the second floor of the building, noticed that the victim's apartment door was ajar and her car was missing.

On July 1, the victim's corpse was found in a field near Illinois Route 15, approximately 2« miles from Interstate 57, in Jefferson County. The body was in a wooded area not visible from an access road 30 yards away. Near the body, crime technicians found the victim's Medic Alert bracelet and dentures, and a watch crystal. Technicians also found two plastic grocery bags from the grocery store where the victim shopped. One of the bags had a red substance with gray hairs on it. Subsequent laboratory examination revealed the hairs to be consistent with those of the victim. The hairs were broken off at the roots, consistent with having been struck by a blunt object. The victim's identification and driver's license were subsequently found in a bushy area next to an exit ramp of Interstate 57.

The victim died from multiple skull fractures caused by multiple blows to the head and face. The fractures were consistent with being struck by a tire iron. Manual strangulation possibly contributed to the victim's death. The victim may have lived for several hours after the attack.

On the afternoon of June 20, 1992, defendant arrived in Greenwood, Mississippi, to visit an aunt, Theresa Caruthers, and a cousin, Thelma Scott- Robinson. Defendant drove a brown, four-door Chevrolet in good condition with Illinois license plates. Robinson asked defendant about stains in the back seat of the car that appeared to her to be blood. Defendant replied that children had spilled juice on the seat. She also noticed "a costume jewelry \*\*\* old-time Indian like ring" on the front seat of the car. Defendant said that he bought it. At one point during his visit, defendant appeared to Robinson to be nervous and restless. She asked him what was wrong and defendant replied, "If you only knew."

## QUESTIONS FOR REVIEW

1. True or False? Theft, burglary, and robbery are felonies in Illinois unless the value of the property taken is under \$300.

Answer: True

2. Passed by Congress in 1998, \_\_\_\_\_ made it a felony to assume the identity of another person, in any form.

- A. The Identity Theft and Assumption Deterrence Act
- B. The Computer Crime and Identity Theft Act
- C. Identity and Financial Theft Act
- D. Computer, Social Security, and Identity Theft Act

Answer: A

3. Which of the following is a computer offense?

- A. Computer Tampering
- B. Aggravated Computer Tampering
- C. Computer Fraud
- D. All of the above

4. Whether a crime against property is charged as a misdemeanor or a felony depends on the \_\_\_\_\_ of property taken or damaged.

- A. Type
- B. Amount
- C. Value
- D. Category

Answer: C

5. True or False? Illinois does not have a statute that recognizes identity theft.

Answer: False

## WEB RESOURCES

- <http://www.fbi.gov/fieldnews/february/cg020603.htm> “Local Effort to Combat Identity Theft...”
- <http://101-identitytheft.com/identity-theft-illinois.htm> Identity Theft Illinois Information
- <http://www.state.il.us/court/Opinions/AppellateCourt/2006/2ndDistrict/March/Html/2030857.htm> *People of the State of Illinois v. Joseph Hauschild*
- <http://www.state.il.us/court/Opinions/SupremeCourt/1996/May/Opinions/HTML/77771.txt> *People of the State of Illinois v. Oasby Gilliam*
- <http://www.library.siu.edu/ac/law.html> Illinois Computer Crime Prevention Law