

### 13.77 Definition Of Identity Theft

A person commits the offense of identity theft when he knowingly

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

[or]

[2] uses any personal identification information or personal identification document of another with intent to commit any felony.

[or]

[3] [(obtains) (records) (possesses) (sells) (transfers) (purchases) (manufactures)] any personal identification information or personal identification document of another with intent to commit any felony.

[or]

[4] [(uses) (obtains) (records) (possesses) (sells) (transfers) (purchases) (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) (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.

[or]

[6] uses any personal identification information or personal identification document of another to portray [(himself) (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) (activities or transactions)] of that person, without the prior express permission of that person.

[8] [(uses) (possesses) (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.

[or]

[9] in the course of applying for a building permit with a unit of local government, provides the license number of a [(roofing) (fire sprinkler)] contractor whom he or she does not intend to have perform the work on the [(roofing) (fire sprinkler)] portion of the project.

### **Committee Note**

*Instruction and Committee Note Approved March 19, 2018*

720 ILCS 5/16-30 (West 2013), effective January 1, 2012.

Give Instruction 13.78.

Give Instruction 5.01B, defining “knowledge”.

When applicable, give Instruction 13.81, “affirmative defense to identity theft”.

In *People v. Sanchez*, 2013 IL App (2d) 120445, the appellate court interpreted the phrase “knowingly used personal identifying information of another” to mean that the State must prove that the defendant knew that the personal identifying information belonged to another person. *See also People v. Hernandez*, 2012 IL App (1st) 928841.

Use applicable bracketed paragraphs and material.

The bracketed numbers are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.