

13.03A

Definition Of Theft By Unauthorized Control Of Property Exceeding \$500 In Value -- Enhancing Factors Based Upon Governmental Property Or Location

A person commits the offense of theft [(exceeding \$500) (exceeding \$500 and not exceeding \$10,000) (exceeding \$10,000) (exceeding \$10,000 and not exceeding \$100,000) (exceeding \$100,000)] when he knowingly [(obtains) (exerts)] unauthorized control over [governmental] property [(exceeding \$500) (exceeding \$500 and not exceeding \$10,000) (exceeding \$10,000) (exceeding \$10,000 and not exceeding \$100,000) (exceeding \$100,000)] in value [while in a (school) (place of worship)] and

[1] intends to deprive the owner permanently of the use or benefit of the [governmental] property.

[or]

[2] knowingly [(uses) (conceals) (abandons)] the [governmental] property in such manner as to deprive the owner permanently of its use or benefit.

[or]

[3] [(uses) (conceals) (abandons)] the [governmental] property knowing that such [(use) (concealment) (abandonment)] probably will deprive the owner permanently of such use or benefit.

Committee Note

Instruction and Committee Note Approved October 27, 2017

720 ILCS 5/16-1(a)(1)(A), (B), and (C), and 16-1(b)(4.1), and 16-1(c) (West 2016), as amended by P.A. 91-0360, effective July 29, 1999, P.A. 94-0134, effective January 1, 2006, and P.A. 96-1301, effective January 1, 2011.

Give Instruction 13.04A.

When a charge of theft of property exceeding \$500 in 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.

If the evidence concerning the value of the property is in dispute, then separate issues and definitional instructions and verdict forms should be given to permit the jury to resolve that dispute with its verdict.

When disputes about the value of the property support lesser included offenses, use the bracketed material including the phrase “and not exceeding \$10,000” when a lesser included offense instruction based upon value is given. Under these circumstances, the jury should receive instructions and verdicts for both the greater and lesser offenses.

See Committee Note to Instruction 13.01.

If the charge is theft of governmental property, give Instruction 13.33H, defining the term “governmental property”.

Other definitions may be appropriate. See Instructions 13.33 through 13.33H.

Use applicable paragraphs and bracketed material.

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