

13.04A

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

To sustain the charge of theft of [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, the State must prove the following propositions:

First Proposition: That ____ was the owner of the property in question; and

Second Proposition: That the defendant knowingly [(obtained) (exerted)] unauthorized control over the property in question; and

Third Proposition: That the property in question was governmental property; and

[or]

Third Proposition: That when the defendant did so he was in a [(school) (place of worship)];

and

Fourth Proposition: That the defendant intended to deprive the owner thereof permanently of the use or benefit of that property;

[or]

Fourth Proposition: That the defendant knowingly [(used) (concealed) (abandoned)] the property in question in such manner as to deprive the owner thereof permanently of the use or benefit of that property;

[or]

Fourth Proposition: That the defendant [(used) (concealed) (abandoned)] the property in question knowing that such [(use) (concealment) (abandonment)] probably will deprive the owner thereof permanently of the use or benefit of that property;

and

Fifth Proposition: That the property in question [(exceeded \$500) (exceeded \$500 but not \$10,000) (exceeded \$10,000) (exceeded \$10,000 but not \$100,000) (exceeded \$100,000)] in value.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

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 13.03A.

Choose the Third Proposition which reflects the charge against the defendant.

Choose the Fourth Proposition which reflects the charge against the defendant.

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.

Insert in the blank the name of the owner.

Use applicable bracketed material.

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

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.