

13.17A

Definition Of Theft By Deception Of Property Exceeding \$500 In Value – Enhancing Factor Based Upon Posing As A Landlord Or Agent Or Employee Of The Landlord

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 by deception by falsely posing as a [(landlord) (agent of the landlord) (employee of the landlord)] control over property in the form of a [(rent payment) (security deposit)] [(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 and

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

[or]

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

[or]

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

Committee Note

Instruction and Committee Note Approved October 27, 2017

720 ILCS 5/16-1(a)(2)(A), (B), and (C), and 16-1(b)(9), and 16-1(c) (West 2016), as amended by P.A. 96-0496, effective January 1, 2010, and P.A. 096-1301 effective January 1, 2011.

Give Instruction 13.18A.

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

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

See Committee Note to Instruction 13.01.

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.