

13.15

Definition Of Theft By Deception Of Property Not Exceeding \$500 In Value

A person commits the offense of theft when he knowingly obtains by deception control over property 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 benefit.

Committee Note

Instruction and Committee Note Approved October 27, 2017

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

Give Instruction 13.16.

When the defendant is not also charged with theft of property exceeding \$500 in value, there is no need to mention the value of the property in this instruction, the issues instruction (Instruction 13.16), the concluding instruction (Instruction 26.01), or the verdict forms (Instructions 26.02 and 26.05). However, when the defendant is also charged with theft of property exceeding \$500 in value, this instruction and each of the others specified in this paragraph should be modified by identifying this charge as “theft of property not exceeding \$500 in value,” instead of as simply “theft”.

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.