

**TITLE 11: PEACE AND SAFETY**  
**CHAPTER 5: THEFT AND RELATED OFFENSES**

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**11-5-1: DEFINITIONS**

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| <b>Coin-Operated Machine</b>            | Includes any automatic vending machine or any part thereof, parking meter, coin laundry machine, coin dry cleaning machine, amusement machine, music machine, vending machine dispensing goods or services, money changer.                          |
| <b>Retail Mercantile Establishment</b>  | Any place where merchandise is displayed, held, stored, or offered for sale at retail to the public.  |
| <b>Theft Detection Shielding Device</b> | Any laminated or coated bag or device peculiar to and marketed or manufactured for shielding and intended to shield merchandise from detection by an electronic or magnetic theft alarm sensor or any device intended to further inhibit detection. |
| <b>Theft Detection Device Remover</b>   | Any tool or device specifically designed and intended to be used to remove any theft detection device from any merchandise.   |
| <b>Under-Ring</b>                       | To cause the cash register or other sales recording device to reflect less than the full retail value of the merchandise.   |

**11-5-2: THEFT**

A person commits theft when other than by the use of a firearm, not from the person, and in an amount not exceeding five hundred dollars (\$500.00), he or she knowingly:

- A. Obtains or exerts unauthorized control over property of the owner; or
- B. Obtains by deception, control over property of the owner; or
- C. Obtains by threat, control over property of the owner; or
- D. Obtains control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce the person to believe that the property was stolen, and
  1. Intends to deprive the owner permanently of the use or benefit of the property; or
  2. Knowingly uses, conceals or abandons the property in such manner as to deprive the owner permanently of such use or benefit; or

3. Uses, conceals, or abandons the property knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.

**11-5-3: THEFT OF LOST OR MISLAID PROPERTY**

A person who obtains control over lost or mislaid property, not exceeding an amount or value of \$10,000, commits theft when that person:

- A. Knows or learns the identity of the owner or knows, or is aware of, or learns of a reasonable method of identifying the owner; and
- B. Fails to take reasonable measures to restore the property to the owner; and
- C. Intends to deprive the owner permanently of the use or benefit of the property.

**11-5-4: THEFT OF LABOR OR SERVICES OR USE OF PROPERTY**

- A. A person commits theft of labor or services or use of property when he or she obtains the temporary use of property, labor or services of another which are available only for hire, by means of threat or deception or knowing that such use is without the consent of the person providing the property, labor or services.

- B. A person commits theft when he or she borrows from a library facility library material which has an aggregate value no less than fifty dollars (\$50) and not exceeding three hundred dollars (\$300) pursuant to an agreement with or procedure established by the library facility for the return of such library material, and knowingly without good cause fails to return the library material so borrowed in accordance with such agreement or procedure, and further knowingly without good cause fails to return such library material within 30 days after receiving written notice by certified mail from the library facility demanding the return of such library material.

**11-5-5: FALSE REPORT OF THEFT AND OTHER LOSSES**

A person who knowingly makes a false report of a theft, destruction, damage or conversion of any property to the Lincolnshire Police Department or other Village governmental agency with the intent to defraud an insurer commits an offense.

**11-5-6: THEFT FROM COIN-OPERATED MACHINES**

A person commits theft from a coin-operated machine when he or she knowingly and without authority opens, breaks into, tampers with, triggers, or damages a coin-operated machine either:

- A. To operate or use the machine; or
- B. With the intent to commit a theft from the machine

**11-5-7: THEFT-RELATED DEVICES**

- A. A person commits unlawful possession of a key or device for a coin-operated machine when he or she possesses a key, drawing, print, mold of a key, device, or substance designed to open, break into, tamper with, or damage a coin-operated machine, with the intent to commit a theft from the machine.
- B. A person commits unlawful use of a key or device for a coin-operated machine when he or she with the intent to commit a theft from a coin-operated machine uses a key, drawing, print, mold of a key, device, or substance and causes damage or loss to the coin-operated machine of more than \$300.

- C. A person commits unlawful use of a theft detection shielding device when he or she knowingly manufactures, sells, offers for sale or distributes any theft detection shielding device.
- D. A person commits unlawful possession of a theft detection shielding device when he or she knowingly uses or possesses a theft detection shielding device with the intent to commit theft or retail theft.

**11-5-8: UNLAWFUL THEFT OF PUBLIC UTILITY SERVICES:**

- A. A person commits theft of utility services when he or she knowingly, without authority, diverts or interferes with any public gas, water, sewer, power supply, or other public services or installs any device with the intent to divert or interfere with any public gas, water, sewer, power supply, or other public services without the authority of the owner or entity furnishing or transmitting such product or services.
- B. Any instrument, apparatus, or device used in obtaining utility services without paying the full charge therefore or any meter that has been altered, tampered with, or bypassed so as to cause a lack of measurement or inaccurate measurement of utility services on premises controlled by the customer or by the person using or receiving the direct benefit of utility service at that location shall raise a rebuttable presumption of the commission of the offense described in subparagraph A by such person.

**11-5-9: RETAIL THEFT**

A person commits retail theft when he or she knowingly:

- A. Takes possession of, carries away, transfers or causes to be carried away or transferred any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment, the full retail value of which does not exceed three hundred dollars (\$300.00), with the intention of retaining such merchandise or with the intention of depriving the merchant of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise.
- B. Alters, transfers, or removes any label, price tag, marking, indicia of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment, the full retail value of which does not exceed three hundred dollars (\$300.00), and attempts to purchase such merchandise at less than full retail value with the intention of depriving the merchant of the full retail value of such merchandise.
- C. Transfers any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment from the container in or on which such merchandise is displayed to any other container with the intention of depriving the merchant of the full retail value of such merchandise.
- D. Under-rings with the intention of depriving the merchant of the full retail value of the merchandise.
- E. Removes a shopping cart from the premises of a retail mercantile establishment without the consent of the merchant given at the time of such removal with the intention of depriving the merchant permanently of the possession, use, or benefit of such cart.
- F. Represents to a merchant that he or another is the lawful owner of property, knowing that such representation is false, and conveys or attempts to convey that property to a merchant who is the owner of the property in exchange for money, merchandise credit or other property of the merchant.

- G. Uses or possesses any theft detection shielding device or theft detection device remover with the intention of using such device to deprive the merchant permanently of the possession, use or benefit of any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment without paying the full retail value of such merchandise.

**11-5-10: PENALTY**

Any person violating any provisions of this Chapter shall be subject to the fine set forth in the Comprehensive Fine/Penalty Schedule of the Code described in Title 1, Chapter 17.