

### 13.03

#### Definition Of Theft By Unauthorized Control Of Property Exceeding \$300 In Value

A person commits the offense of theft of property exceeding \$300 in value when that person [ (obtains) (exerts) ] unauthorized control over property exceeding \$300 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 benefit.

#### Committee Note

720 ILCS 5/16-1(a)(1)(A), (B), and (C), and 16-1(c) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §16-1(a)(1)(A), (B), and (C), and 16-1(c) (1991)).

Give Instruction 13.04.

Effective January 1, 1988, Section 16-1 was amended to provide that when a charge of theft of property exceeding \$300 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 \$300. See P.A. 85-691, P.A. 85-1030, and P.A. 85-1440.

See Committee Note to Instruction 13.01.

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

Use applicable paragraphs and bracketed material.

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