



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3607

Introduced 2/17/2023, by Rep. Jaime M. Andrade, Jr.

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/2-23 new

720 ILCS 5/19-2

720 ILCS 5/19-2.5

from Ch. 38, par. 19-2

Amends the Criminal Code of 2012. Provides that the offense of possession of burglary tools includes possessing a vehicle security circumvention device and not being a: (1) mechanic; (2) licensed new or used vehicle dealer; (3) licensed locksmith; (4) repossession agent; or (5) State or local law enforcement officer. Provides that a violation is a Class C misdemeanor. Provides that the offense of unlawful sale of burglary tools includes knowingly selling or transferring a vehicle security circumvention device with knowledge that the device will be used by the person or another to commit a violation of law. Provides that a violation is a petty offense. Defines "vehicle security circumvention device".

LRB103 27555 RLC 53930 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by  
5 changing Section 19-2 and 19-2.5 and by adding Section 2-23 as  
6 follows:

7 (720 ILCS 5/2-23 new)

8 Sec. 2-23. Vehicle security circumvention device. "Vehicle  
9 security circumvention device" means a device that is capable  
10 of obtaining, intercepting, or processing information from a  
11 motor vehicle keyless entry system that would allow entry into  
12 a motor vehicle or start a motor vehicle, without the owner's  
13 consent.

14 (720 ILCS 5/19-2) (from Ch. 38, par. 19-2)

15 Sec. 19-2. Possession of burglary tools.

16 (a) A person commits possession of burglary tools when he  
17 or she possesses any key, tool, instrument, device, or any  
18 explosive, suitable for use in breaking into a building,  
19 housetrailer, watercraft, aircraft, motor vehicle, railroad  
20 car, or any depository designed for the safekeeping of  
21 property, or any part thereof, with intent to enter that place  
22 and with intent to commit therein a felony or theft. The trier

1 of fact may infer from the possession of a key designed for  
2 lock bumping an intent to commit a felony or theft; however,  
3 this inference does not apply to any peace officer or other  
4 employee of a law enforcement agency, or to any person or  
5 agency licensed under the Private Detective, Private Alarm,  
6 Private Security, Fingerprint Vendor, and Locksmith Act of  
7 2004. For the purposes of this Section, "lock bumping" means a  
8 lock picking technique for opening a pin tumbler lock using a  
9 specially-crafted bumpkey.

10 (a-5) A person also commits possession of burglary tools  
11 when he or she, knowingly and with the intent to enter the  
12 motor vehicle and with the intent to commit therein a felony or  
13 theft, possesses a vehicle security circumvention device.  
14 ~~device designed to:~~

15 (a-10) A person commits possession of burglary tools when  
16 he or she possesses a vehicle security circumvention device  
17 and that person is not a:

18 (1) mechanic;

19 (2) new vehicle dealer or used vehicle dealer licensed  
20 under Section 5-101 or 5-102 of the Illinois Vehicle Code;

21 (3) locksmith licensed under the Private Detective,  
22 Private Alarm, Private Security, Fingerprint Vendor, and  
23 Locksmith Act of 2004;

24 (4) repossession agent; or

25 (5) State or local law enforcement officer.

26 ~~(1) unlock or start a motor vehicle without the use or~~

1 ~~possession of the key to the motor vehicle; or~~

2 ~~(2) capture or duplicate a signal from the key fob of a~~  
3 ~~motor vehicle to unlock or start the motor vehicle without~~  
4 ~~the use or possession of the key to the motor vehicle.~~

5 (b) Sentence. Possession of burglary tools in violation of  
6 subsection (a) or (a-5) is a Class 4 felony. Possession of  
7 burglary tools in violation of subsection (a-10) is a Class C  
8 misdemeanor.

9 (Source: P.A. 102-903, eff. 1-1-23.)

10 (720 ILCS 5/19-2.5)

11 Sec. 19-2.5. Unlawful sale of burglary tools.

12 (a) For the purposes of this Section:

13 "Lock bumping" means a lock picking technique for  
14 opening a pin tumbler lock using a specially-crafted  
15 bumpkey.

16 "Motor vehicle" has the meaning ascribed to it in the  
17 Illinois Vehicle Code.

18 (b) A person commits ~~the offense of~~ unlawful sale of  
19 burglary tools when he or she knowingly sells or transfers any  
20 key, including a key designed for lock bumping, or a lock pick  
21 specifically manufactured or altered for use in breaking into  
22 a building, housetrailer, watercraft, aircraft, motor vehicle,  
23 railroad car, or any depository designed for the safekeeping  
24 of property, or any part of that property.

25 (b-5) A person commits unlawful sale of burglary tools

1 when he or she knowingly sells or transfers a vehicle security  
2 circumvention device with knowledge that the device will be  
3 used by the person or another to commit a violation of law.

4 (c) This Section does not apply to the sale or transfer of  
5 any item described in subsection (b) to any peace officer or  
6 other employee of a law enforcement agency, or to any person or  
7 agency licensed as a locksmith under the Private Detective,  
8 Private Alarm, Private Security, Fingerprint Vendor, and  
9 Locksmith Act of 2004, or to any person engaged in the business  
10 of towing vehicles, or to any person engaged in the business of  
11 lawful repossession of property who possesses a valid  
12 Repossessor-ICC Authorization Card.

13 (c-5) Any seller of a vehicle security circumvention  
14 device in this State who reaches an agreement with a buyer for  
15 the purchase of the vehicle circumvention device shall conduct  
16 a criminal background check of the buyer before completing the  
17 purchase. A seller of a vehicle circumvention device who  
18 conducts a criminal background check under this Section shall  
19 not complete the purchase of the device if the background  
20 check reveals that the buyer has been convicted of a felony.

21 (d) Sentence. Unlawful sale of burglary tools under  
22 subsection (b) is a Class 4 felony. Unlawful sale of burglary  
23 tools under subsection (b-5) is a petty offense.

24 (Source: P.A. 96-1307, eff. 1-1-11.)