

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 1961 is amended by adding
5 the headings of Subdivisions 1, 5, 10, 15, and 20 of Article 16
6 and Sections 16-0.1, 16-25, 16-26, 16-27, 16-28, 16-30, 16-31,
7 16-32, 16-33, 16-34, 16-35, 16-36, 16-37, 16-40, 16-45, 24-3.8,
8 24-3.9, and 26-1.1 and by changing Sections 2-15, 3-6, 12-3.05,
9 16-1, 16-2, 16-3, 16-5, 16-6, 16-7, 16-14, 16-17, 16-18,
10 17-0.5, and 17-2 as follows:

11 (720 ILCS 5/2-15) (from Ch. 38, par. 2-15)

12 Sec. 2-15. "Person".

13 "Person" means an individual, natural person, public or
14 private corporation, government, partnership, ~~or~~
15 unincorporated association, or other entity.

16 (Source: Laws 1961, p. 1983.)

17 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

18 (Text of Section after amendment by P.A. 96-1551)

19 Sec. 3-6. Extended limitations. The period within which a
20 prosecution must be commenced under the provisions of Section
21 3-5 or other applicable statute is extended under the following
22 conditions:

1 (a) A prosecution for theft involving a breach of a
2 fiduciary obligation to the aggrieved person may be commenced
3 as follows:

4 (1) If the aggrieved person is a minor or a person
5 under legal disability, then during the minority or legal
6 disability or within one year after the termination
7 thereof.

8 (2) In any other instance, within one year after the
9 discovery of the offense by an aggrieved person, or by a
10 person who has legal capacity to represent an aggrieved
11 person or has a legal duty to report the offense, and is
12 not himself or herself a party to the offense; or in the
13 absence of such discovery, within one year after the proper
14 prosecuting officer becomes aware of the offense. However,
15 in no such case is the period of limitation so extended
16 more than 3 years beyond the expiration of the period
17 otherwise applicable.

18 (b) A prosecution for any offense based upon misconduct in
19 office by a public officer or employee may be commenced within
20 one year after discovery of the offense by a person having a
21 legal duty to report such offense, or in the absence of such
22 discovery, within one year after the proper prosecuting officer
23 becomes aware of the offense. However, in no such case is the
24 period of limitation so extended more than 3 years beyond the
25 expiration of the period otherwise applicable.

26 (c) (Blank).

1 (d) A prosecution for child pornography, aggravated child
2 pornography, indecent solicitation of a child, soliciting for a
3 juvenile prostitute, juvenile pimping, exploitation of a
4 child, or promoting juvenile prostitution except for keeping a
5 place of juvenile prostitution may be commenced within one year
6 of the victim attaining the age of 18 years. However, in no
7 such case shall the time period for prosecution expire sooner
8 than 3 years after the commission of the offense. When the
9 victim is under 18 years of age, a prosecution for criminal
10 sexual abuse may be commenced within one year of the victim
11 attaining the age of 18 years. However, in no such case shall
12 the time period for prosecution expire sooner than 3 years
13 after the commission of the offense.

14 (e) Except as otherwise provided in subdivision (j), a
15 prosecution for any offense involving sexual conduct or sexual
16 penetration, as defined in Section 11-0.1 of this Code, where
17 the defendant was within a professional or fiduciary
18 relationship or a purported professional or fiduciary
19 relationship with the victim at the time of the commission of
20 the offense may be commenced within one year after the
21 discovery of the offense by the victim.

22 (f) A prosecution for any offense set forth in Section 44
23 of the "Environmental Protection Act", approved June 29, 1970,
24 as amended, may be commenced within 5 years after the discovery
25 of such an offense by a person or agency having the legal duty
26 to report the offense or in the absence of such discovery,

1 within 5 years after the proper prosecuting officer becomes
2 aware of the offense.

3 (f-5) A prosecution for any offense set forth in Section
4 16-30 ~~16G-15~~ or ~~16G-20~~ of this Code may be commenced within 5
5 years after the discovery of the offense by the victim of that
6 offense.

7 (g) (Blank).

8 (h) (Blank).

9 (i) Except as otherwise provided in subdivision (j), a
10 prosecution for criminal sexual assault, aggravated criminal
11 sexual assault, or aggravated criminal sexual abuse may be
12 commenced within 10 years of the commission of the offense if
13 the victim reported the offense to law enforcement authorities
14 within 3 years after the commission of the offense.

15 Nothing in this subdivision (i) shall be construed to
16 shorten a period within which a prosecution must be commenced
17 under any other provision of this Section.

18 (j) When the victim is under 18 years of age at the time of
19 the offense, a prosecution for criminal sexual assault,
20 aggravated criminal sexual assault, predatory criminal sexual
21 assault of a child, aggravated criminal sexual abuse, or felony
22 criminal sexual abuse, or a prosecution for failure of a person
23 who is required to report an alleged or suspected commission of
24 any of these offenses under the Abused and Neglected Child
25 Reporting Act may be commenced within 20 years after the child
26 victim attains 18 years of age. When the victim is under 18

1 years of age at the time of the offense, a prosecution for
2 misdemeanor criminal sexual abuse may be commenced within 10
3 years after the child victim attains 18 years of age.

4 Nothing in this subdivision (j) shall be construed to
5 shorten a period within which a prosecution must be commenced
6 under any other provision of this Section.

7 (k) A prosecution for theft involving real property
8 exceeding \$100,000 in value under Section 16-1, identity theft
9 under subsection (a) of Section 16-30 ~~16G-15~~, aggravated
10 identity theft under subsection (b) of Section 16-30 ~~16G-20~~, or
11 any offense set forth in Article 16H or Section 17-10.6 may be
12 commenced within 7 years of the last act committed in
13 furtherance of the crime.

14 (Source: P.A. 95-548, eff. 8-30-07; 96-233, eff. 1-1-10;
15 96-1551, Article 2, Section 1035, eff. 7-1-11; 96-1551, Article
16 10, Section 10-140, eff. 7-1-11; revised 4-14-11.)

17 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

18 (This Section may contain text from a Public Act with a
19 delayed effective date)

20 Sec. 12-3.05. Aggravated battery.

21 (a) Offense based on injury. A person commits aggravated
22 battery when, in committing a battery, other than by the
23 discharge of a firearm, he or she knowingly does any of the
24 following:

25 (1) Causes great bodily harm or permanent disability or

1 disfigurement.

2 (2) Causes severe and permanent disability, great
3 bodily harm, or disfigurement by means of a caustic or
4 flammable substance, a poisonous gas, a deadly biological
5 or chemical contaminant or agent, a radioactive substance,
6 or a bomb or explosive compound.

7 (3) Causes great bodily harm or permanent disability or
8 disfigurement to an individual whom the person knows to be
9 a peace officer, community policing volunteer, fireman,
10 private security officer, correctional institution
11 employee, or Department of Human Services employee
12 supervising or controlling sexually dangerous persons or
13 sexually violent persons:

14 (i) performing his or her official duties;

15 (ii) battered to prevent performance of his or her
16 official duties; or

17 (iii) battered in retaliation for performing his
18 or her official duties.

19 (4) Causes great bodily harm or permanent disability or
20 disfigurement to an individual 60 years of age or older.

21 (5) Strangles another individual.

22 (b) Offense based on injury to a child or mentally retarded
23 person. A person who is at least 18 years of age commits
24 aggravated battery when, in committing a battery, he or she
25 knowingly and without legal justification by any means:

26 (1) causes great bodily harm or permanent disability or

1 disfigurement to any child under the age of 13 years, or to
2 any severely or profoundly mentally retarded person; or

3 (2) causes bodily harm or disability or disfigurement
4 to any child under the age of 13 years or to any severely
5 or profoundly mentally retarded person.

6 (c) Offense based on location of conduct. A person commits
7 aggravated battery when, in committing a battery, other than by
8 the discharge of a firearm, he or she is or the person battered
9 is on or about a public way, public property, a public place of
10 accommodation or amusement, a sports venue, or a domestic
11 violence shelter.

12 (d) Offense based on status of victim. A person commits
13 aggravated battery when, in committing a battery, other than by
14 discharge of a firearm, he or she knows the individual battered
15 to be any of the following:

16 (1) A person 60 years of age or older.

17 (2) A person who is pregnant or physically handicapped.

18 (3) A teacher or school employee upon school grounds or
19 grounds adjacent to a school or in any part of a building
20 used for school purposes.

21 (4) A peace officer, community policing volunteer,
22 fireman, private security officer, correctional
23 institution employee, or Department of Human Services
24 employee supervising or controlling sexually dangerous
25 persons or sexually violent persons:

26 (i) performing his or her official duties;

1 (ii) battered to prevent performance of his or her
2 official duties; or

3 (iii) battered in retaliation for performing his
4 or her official duties.

5 (5) A judge, emergency management worker, emergency
6 medical technician, or utility worker:

7 (i) performing his or her official duties;

8 (ii) battered to prevent performance of his or her
9 official duties; or

10 (iii) battered in retaliation for performing his
11 or her official duties.

12 (6) An officer or employee of the State of Illinois, a
13 unit of local government, or a school district, while
14 performing his or her official duties.

15 (7) A transit employee performing his or her official
16 duties, or a transit passenger.

17 (8) A taxi driver on duty.

18 (9) A merchant who detains the person for an alleged
19 commission of retail theft under Section 16-26 ~~16A-5~~ of
20 this Code and the person without legal justification by any
21 means causes bodily harm to the merchant.

22 (e) Offense based on use of a firearm. A person commits
23 aggravated battery when, in committing a battery, he or she
24 knowingly does any of the following:

25 (1) Discharges a firearm, other than a machine gun or a
26 firearm equipped with a silencer, and causes any injury to

1 another person.

2 (2) Discharges a firearm, other than a machine gun or a
3 firearm equipped with a silencer, and causes any injury to
4 a person he or she knows to be a peace officer, community
5 policing volunteer, person summoned by a police officer,
6 fireman, private security officer, correctional
7 institution employee, or emergency management worker:

8 (i) performing his or her official duties;

9 (ii) battered to prevent performance of his or her
10 official duties; or

11 (iii) battered in retaliation for performing his
12 or her official duties.

13 (3) Discharges a firearm, other than a machine gun or a
14 firearm equipped with a silencer, and causes any injury to
15 a person he or she knows to be an emergency medical
16 technician employed by a municipality or other
17 governmental unit:

18 (i) performing his or her official duties;

19 (ii) battered to prevent performance of his or her
20 official duties; or

21 (iii) battered in retaliation for performing his
22 or her official duties.

23 (4) Discharges a firearm and causes any injury to a
24 person he or she knows to be a teacher, a student in a
25 school, or a school employee, and the teacher, student, or
26 employee is upon school grounds or grounds adjacent to a

1 school or in any part of a building used for school
2 purposes.

3 (5) Discharges a machine gun or a firearm equipped with
4 a silencer, and causes any injury to another person.

5 (6) Discharges a machine gun or a firearm equipped with
6 a silencer, and causes any injury to a person he or she
7 knows to be a peace officer, community policing volunteer,
8 person summoned by a police officer, fireman, private
9 security officer, correctional institution employee or
10 emergency management worker:

11 (i) performing his or her official duties;

12 (ii) battered to prevent performance of his or her
13 official duties; or

14 (iii) battered in retaliation for performing his
15 or her official duties.

16 (7) Discharges a machine gun or a firearm equipped with
17 a silencer, and causes any injury to a person he or she
18 knows to be an emergency medical technician employed by a
19 municipality or other governmental unit:

20 (i) performing his or her official duties;

21 (ii) battered to prevent performance of his or her
22 official duties; or

23 (iii) battered in retaliation for performing his
24 or her official duties.

25 (8) Discharges a machine gun or a firearm equipped with
26 a silencer, and causes any injury to a person he or she

1 knows to be a teacher, or a student in a school, or a
2 school employee, and the teacher, student, or employee is
3 upon school grounds or grounds adjacent to a school or in
4 any part of a building used for school purposes.

5 (f) Offense based on use of a weapon or device. A person
6 commits aggravated battery when, in committing a battery, he or
7 she does any of the following:

8 (1) Uses a deadly weapon other than by discharge of a
9 firearm, or uses an air rifle as defined in the Air Rifle
10 Act.

11 (2) Wears a hood, robe, or mask to conceal his or her
12 identity.

13 (3) Knowingly and without lawful justification shines
14 or flashes a laser gunsight or other laser device attached
15 to a firearm, or used in concert with a firearm, so that
16 the laser beam strikes upon or against the person of
17 another.

18 (g) Offense based on certain conduct. A person commits
19 aggravated battery when, other than by discharge of a firearm,
20 he or she does any of the following:

21 (1) Violates Section 401 of the Illinois Controlled
22 Substances Act by unlawfully delivering a controlled
23 substance to another and any user experiences great bodily
24 harm or permanent disability as a result of the injection,
25 inhalation, or ingestion of any amount of the controlled
26 substance.

1 (2) Knowingly administers to an individual or causes
2 him or her to take, without his or her consent or by threat
3 or deception, and for other than medical purposes, any
4 intoxicating, poisonous, stupefying, narcotic, anesthetic,
5 or controlled substance, or gives to another person any
6 food containing any substance or object intended to cause
7 physical injury if eaten.

8 (3) Knowingly causes or attempts to cause a
9 correctional institution employee or Department of Human
10 Services employee to come into contact with blood, seminal
11 fluid, urine, or feces by throwing, tossing, or expelling
12 the fluid or material, and the person is an inmate of a
13 penal institution or is a sexually dangerous person or
14 sexually violent person in the custody of the Department of
15 Human Services.

16 (h) Sentence. Unless otherwise provided, aggravated
17 battery is a Class 3 felony.

18 Aggravated battery as defined in subdivision (a)(4),
19 (d)(4), or (g)(3) is a Class 2 felony.

20 Aggravated battery as defined in subdivision (a)(3) or
21 (g)(1) is a Class 1 felony.

22 Aggravated battery under subdivision (a)(5) is a Class 1
23 felony if:

24 (A) the person used or attempted to use a dangerous
25 instrument while committing the offense; or

26 (B) the person caused great bodily harm or permanent

1 disability or disfigurement to the other person while
2 committing the offense; or

3 (C) the person has been previously convicted of a
4 violation of subdivision (a)(5) under the laws of this
5 State or laws similar to subdivision (a)(5) of any other
6 state.

7 Aggravated battery as defined in subdivision (e)(1) is a
8 Class X felony.

9 Aggravated battery as defined in subdivision (a)(2) is a
10 Class X felony for which a person shall be sentenced to a term
11 of imprisonment of a minimum of 6 years and a maximum of 45
12 years.

13 Aggravated battery as defined in subdivision (e)(5) is a
14 Class X felony for which a person shall be sentenced to a term
15 of imprisonment of a minimum of 12 years and a maximum of 45
16 years.

17 Aggravated battery as defined in subdivision (e)(2),
18 (e)(3), or (e)(4) is a Class X felony for which a person shall
19 be sentenced to a term of imprisonment of a minimum of 15 years
20 and a maximum of 60 years.

21 Aggravated battery as defined in subdivision (e)(6),
22 (e)(7), or (e)(8) is a Class X felony for which a person shall
23 be sentenced to a term of imprisonment of a minimum of 20 years
24 and a maximum of 60 years.

25 Aggravated battery as defined in subdivision (b)(1) is a
26 Class X felony, except that:

1 (1) if the person committed the offense while armed
2 with a firearm, 15 years shall be added to the term of
3 imprisonment imposed by the court;

4 (2) if, during the commission of the offense, the
5 person personally discharged a firearm, 20 years shall be
6 added to the term of imprisonment imposed by the court;

7 (3) if, during the commission of the offense, the
8 person personally discharged a firearm that proximately
9 caused great bodily harm, permanent disability, permanent
10 disfigurement, or death to another person, 25 years or up
11 to a term of natural life shall be added to the term of
12 imprisonment imposed by the court.

13 (i) Definitions. For the purposes of this Section:

14 "Building or other structure used to provide shelter" has
15 the meaning ascribed to "shelter" in Section 1 of the Domestic
16 Violence Shelters Act.

17 "Domestic violence" has the meaning ascribed to it in
18 Section 103 of the Illinois Domestic Violence Act of 1986.

19 "Domestic violence shelter" means any building or other
20 structure used to provide shelter or other services to victims
21 or to the dependent children of victims of domestic violence
22 pursuant to the Illinois Domestic Violence Act of 1986 or the
23 Domestic Violence Shelters Act, or any place within 500 feet of
24 such a building or other structure in the case of a person who
25 is going to or from such a building or other structure.

26 "Firearm" has the meaning provided under Section 1.1 of the

1 Firearm Owners Identification Card Act, and does not include an
2 air rifle as defined by Section 1 of the Air Rifle Act.

3 "Machine gun" has the meaning ascribed to it in Section
4 24-1 of this Code.

5 "Merchant" has the meaning ascribed to it in Section 16-0.1
6 ~~16A-2.4~~ of this Code.

7 "Strangle" means intentionally impeding the normal
8 breathing or circulation of the blood of an individual by
9 applying pressure on the throat or neck of that individual or
10 by blocking the nose or mouth of that individual.

11 (Source: P.A. 95-236, eff. 1-1-08; 95-256, eff. 1-1-08; 95-331,
12 eff. 8-21-07; 95-429, eff. 1-1-08; 95-748, eff. 1-1-09; 95-876,
13 eff. 8-21-08; 96-201, eff. 8-10-09; 96-363, eff. 8-13-09;
14 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11.)

15 (720 ILCS 5/Art. 16, Subdiv. 1 heading new)

16 SUBDIVISION 1. DEFINITIONS

17 (720 ILCS 5/16-0.1 new)

18 Sec. 16-0.1. Definitions. In this Article, unless the
19 context clearly requires otherwise, the following terms are
20 defined as indicated:

21 "Access" means to use, instruct, communicate with, store
22 data in, retrieve or intercept data from, or otherwise utilize
23 any services of a computer.

24 "Coin-operated machine" includes any automatic vending

1 machine or any part thereof, parking meter, coin telephone,
2 coin-operated transit turnstile, transit fare box, coin
3 laundry machine, coin dry cleaning machine, amusement machine,
4 music machine, vending machine dispensing goods or services, or
5 money changer.

6 "Communication device" means any type of instrument,
7 device, machine, or equipment which is capable of transmitting,
8 acquiring, decrypting, or receiving any telephonic,
9 electronic, data, Internet access, audio, video, microwave, or
10 radio transmissions, signals, communications, or services,
11 including the receipt, acquisition, transmission, or
12 decryption of all such communications, transmissions, signals,
13 or services provided by or through any cable television, fiber
14 optic, telephone, satellite, microwave, radio, Internet-based,
15 data transmission, or wireless distribution network, system or
16 facility; or any part, accessory, or component thereof,
17 including any computer circuit, security module, smart card,
18 software, computer chip, electronic mechanism or other
19 component, accessory or part of any communication device which
20 is capable of facilitating the transmission, decryption,
21 acquisition or reception of all such communications,
22 transmissions, signals, or services.

23 "Communication service" means any service lawfully
24 provided for a charge or compensation to facilitate the lawful
25 origination, transmission, emission, or reception of signs,
26 signals, data, writings, images, and sounds or intelligence of

1 any nature by telephone, including cellular telephones or a
2 wire, wireless, radio, electromagnetic, photo-electronic or
3 photo-optical system; and also any service lawfully provided by
4 any radio, telephone, cable television, fiber optic,
5 satellite, microwave, Internet-based or wireless distribution
6 network, system, facility or technology, including, but not
7 limited to, any and all electronic, data, video, audio,
8 Internet access, telephonic, microwave and radio
9 communications, transmissions, signals and services, and any
10 such communications, transmissions, signals and services
11 lawfully provided directly or indirectly by or through any of
12 those networks, systems, facilities or technologies.

13 "Communication service provider" means: (1) any person or
14 entity providing any communication service, whether directly
15 or indirectly, as a reseller, including, but not limited to, a
16 cellular, paging or other wireless communications company or
17 other person or entity which, for a fee, supplies the facility,
18 cell site, mobile telephone switching office or other equipment
19 or communication service; (2) any person or entity owning or
20 operating any cable television, fiber optic, satellite,
21 telephone, wireless, microwave, radio, data transmission or
22 Internet-based distribution network, system or facility; and
23 (3) any person or entity providing any communication service
24 directly or indirectly by or through any such distribution
25 system, network or facility.

26 "Computer" means a device that accepts, processes, stores,

1 retrieves or outputs data, and includes but is not limited to
2 auxiliary storage and telecommunications devices connected to
3 computers.

4 "Continuing course of conduct" means a series of acts, and
5 the accompanying mental state necessary for the crime in
6 question, irrespective of whether the series of acts are
7 continuous or intermittent.

8 "Delivery container" means any bakery basket of wire or
9 plastic used to transport or store bread or bakery products,
10 any dairy case of wire or plastic used to transport or store
11 dairy products, and any dolly or cart of 2 or 4 wheels used to
12 transport or store any bakery or dairy product.

13 "Document-making implement" means any implement,
14 impression, template, computer file, computer disc, electronic
15 device, computer hardware, computer software, instrument, or
16 device that is used to make a real or fictitious or fraudulent
17 personal identification document.

18 "Financial transaction device" means any of the following:

19 (1) An electronic funds transfer card.

20 (2) A credit card.

21 (3) A debit card.

22 (4) A point-of-sale card.

23 (5) Any instrument, device, card, plate, code, account
24 number, personal identification number, or a record or copy
25 of a code, account number, or personal identification
26 number or other means of access to a credit account or

1 deposit account, or a driver's license or State
2 identification card used to access a proprietary account,
3 other than access originated solely by a paper instrument,
4 that can be used alone or in conjunction with another
5 access device, for any of the following purposes:

6 (A) Obtaining money, cash refund or credit
7 account, credit, goods, services, or any other thing of
8 value.

9 (B) Certifying or guaranteeing to a person or
10 business the availability to the device holder of funds
11 on deposit to honor a draft or check payable to the
12 order of that person or business.

13 (C) Providing the device holder access to a deposit
14 account for the purpose of making deposits,
15 withdrawing funds, transferring funds between deposit
16 accounts, obtaining information pertaining to a
17 deposit account, or making an electronic funds
18 transfer.

19 "Full retail value" means the merchant's stated or
20 advertised price of the merchandise. "Full retail value"
21 includes the aggregate value of property obtained from retail
22 thefts committed by the same person as part of a continuing
23 course of conduct from one or more mercantile establishments in
24 a single transaction or in separate transactions over a period
25 of one year.

26 "Internet" means an interactive computer service or system

1 or an information service, system, or access software provider
2 that provides or enables computer access by multiple users to a
3 computer server, and includes, but is not limited to, an
4 information service, system, or access software provider that
5 provides access to a network system commonly known as the
6 Internet, or any comparable system or service and also
7 includes, but is not limited to, a World Wide Web page,
8 newsgroup, message board, mailing list, or chat area on any
9 interactive computer service or system or other online service.

10 "Library card" means a card or plate issued by a library
11 facility for purposes of identifying the person to whom the
12 library card was issued as authorized to borrow library
13 material, subject to all limitations and conditions imposed on
14 the borrowing by the library facility issuing such card.

15 "Library facility" includes any public library or museum,
16 or any library or museum of an educational, historical or
17 eleemosynary institution, organization or society.

18 "Library material" includes any book, plate, picture,
19 photograph, engraving, painting, sculpture, statue, artifact,
20 drawing, map, newspaper, pamphlet, broadside, magazine,
21 manuscript, document, letter, microfilm, sound recording,
22 audiovisual material, magnetic or other tape, electronic data
23 processing record or other documentary, written or printed
24 material regardless of physical form or characteristics, or any
25 part thereof, belonging to, or on loan to or otherwise in the
26 custody of a library facility.

1 "Manufacture or assembly of an unlawful access device"
2 means to make, produce or assemble an unlawful access device or
3 to modify, alter, program or re-program any instrument, device,
4 machine, equipment or software so that it is capable of
5 defeating or circumventing any technology, device or software
6 used by the provider, owner or licensee of a communication
7 service or of any data, audio or video programs or
8 transmissions to protect any such communication, data, audio or
9 video services, programs or transmissions from unauthorized
10 access, acquisition, disclosure, receipt, decryption,
11 communication, transmission or re-transmission.

12 "Manufacture or assembly of an unlawful communication
13 device" means to make, produce or assemble an unlawful
14 communication or wireless device or to modify, alter, program
15 or reprogram a communication or wireless device to be capable
16 of acquiring, disrupting, receiving, transmitting, decrypting,
17 or facilitating the acquisition, disruption, receipt,
18 transmission or decryption of, a communication service without
19 the express consent or express authorization of the
20 communication service provider, or to knowingly assist others
21 in those activities.

22 "Master sound recording" means the original physical
23 object on which a given set of sounds were first recorded and
24 which the original object from which all subsequent sound
25 recordings embodying the same set of sounds are directly or
26 indirectly derived.

1 "Merchandise" means any item of tangible personal
2 property, including motor fuel.

3 "Merchant" means an owner or operator of any retail
4 mercantile establishment or any agent, employee, lessee,
5 consignee, officer, director, franchisee, or independent
6 contractor of the owner or operator. "Merchant" also means a
7 person who receives from an authorized user of a payment card,
8 or someone the person believes to be an authorized user, a
9 payment card or information from a payment card, or what the
10 person believes to be a payment card or information from a
11 payment card, as the instrument for obtaining, purchasing or
12 receiving goods, services, money, or anything else of value
13 from the person.

14 "Motor fuel" means a liquid, regardless of its properties,
15 used to propel a vehicle, including gasoline and diesel.

16 "Online" means the use of any electronic or wireless device
17 to access the Internet.

18 "Payment card" means a credit card, charge card, debit
19 card, or any other card that is issued to an authorized card
20 user and that allows the user to obtain, purchase, or receive
21 goods, services, money, or anything else of value from a
22 merchant.

23 "Person with a disability" means a person who suffers from
24 a physical or mental impairment resulting from disease, injury,
25 functional disorder or congenital condition that impairs the
26 individual's mental or physical ability to independently

1 manage his or her property or financial resources, or both.

2 "Personal identification document" means a birth
3 certificate, a driver's license, a State identification card, a
4 public, government, or private employment identification card,
5 a social security card, a firearm owner's identification card,
6 a credit card, a debit card, or a passport issued to or on
7 behalf of a person other than the offender, or any document
8 made or issued, or falsely purported to have been made or
9 issued, by or under the authority of the United States
10 Government, the State of Illinois, or any other state political
11 subdivision of any state, or any other governmental or
12 quasi-governmental organization that is of a type intended for
13 the purpose of identification of an individual, or any such
14 document made or altered in a manner that it falsely purports
15 to have been made on behalf of or issued to another person or
16 by the authority of one who did not give that authority.

17 "Personal identifying information" means any of the
18 following information:

19 (1) A person's name.

20 (2) A person's address.

21 (3) A person's date of birth.

22 (4) A person's telephone number.

23 (5) A person's driver's license number or State of
24 Illinois identification card as assigned by the Secretary
25 of State of the State of Illinois or a similar agency of
26 another state.

1 (6) A person's social security number.

2 (7) A person's public, private, or government
3 employer, place of employment, or employment
4 identification number.

5 (8) The maiden name of a person's mother.

6 (9) The number assigned to a person's depository
7 account, savings account, or brokerage account.

8 (10) The number assigned to a person's credit or debit
9 card, commonly known as a "Visa Card", "MasterCard",
10 "American Express Card", "Discover Card", or other similar
11 cards whether issued by a financial institution,
12 corporation, or business entity.

13 (11) Personal identification numbers.

14 (12) Electronic identification numbers.

15 (13) Digital signals.

16 (14) User names, passwords, and any other word, number,
17 character or combination of the same usable in whole or
18 part to access information relating to a specific
19 individual, or to the actions taken, communications made or
20 received, or other activities or transactions of a specific
21 individual.

22 (15) Any other numbers or information which can be used
23 to access a person's financial resources, or to identify a
24 specific individual, or the actions taken, communications
25 made or received, or other activities or transactions of a
26 specific individual.

1 "Premises of a retail mercantile establishment" includes,
2 but is not limited to, the retail mercantile establishment; any
3 common use areas in shopping centers; and all parking areas set
4 aside by a merchant or on behalf of a merchant for the parking
5 of vehicles for the convenience of the patrons of such retail
6 mercantile establishment.

7 "Public water, gas, or power supply, or other public
8 services" mean any service subject to regulation by the
9 Illinois Commerce Commission; any service furnished by a public
10 utility that is owned and operated by any political
11 subdivision, public institution of higher education or
12 municipal corporation of this State; any service furnished by
13 any public utility that is owned by such political subdivision,
14 public institution of higher education, or municipal
15 corporation and operated by any of its lessees or operating
16 agents; any service furnished by an electric cooperative as
17 defined in Section 3.4 of the Electric Supplier Act; or
18 wireless service or other service regulated by the Federal
19 Communications Commission.

20 "Publish" means to communicate or disseminate information
21 to any one or more persons, either orally, in person, or by
22 telephone, radio or television or in writing of any kind,
23 including, without limitation, a letter or memorandum,
24 circular or handbill, newspaper or magazine article or book.

25 "Reencoder" means an electronic device that places encoded
26 information from the magnetic strip or stripe of a payment card

1 onto the magnetic strip or stripe of a different payment card.

2 "Retail mercantile establishment" means any place where
3 merchandise is displayed, held, stored or offered for sale to
4 the public.

5 "Scanning device" means a scanner, reader, or any other
6 electronic device that is used to access, read, scan, obtain,
7 memorize, or store, temporarily or permanently, information
8 encoded on the magnetic strip or stripe of a payment card.

9 "Shopping cart" means those push carts of the type or types
10 which are commonly provided by grocery stores, drug stores or
11 other retail mercantile establishments for the use of the
12 public in transporting commodities in stores and markets and,
13 incidentally, from the stores to a place outside the store.

14 "Sound or audio visual recording" means any sound or audio
15 visual phonograph record, disc, pre-recorded tape, film, wire,
16 magnetic tape or other object, device or medium, now known or
17 hereafter invented, by which sounds or images may be reproduced
18 with or without the use of any additional machine, equipment or
19 device.

20 "Theft detection device remover" means any tool or device
21 specifically designed and intended to be used to remove any
22 theft detection device from any merchandise.

23 "Under-ring" means to cause the cash register or other
24 sales recording device to reflect less than the full retail
25 value of the merchandise.

26 "Unidentified sound or audio visual recording" means a

1 sound or audio visual recording without the actual name and
2 full and correct street address of the manufacturer, and the
3 name of the actual performers or groups prominently and legibly
4 printed on the outside cover or jacket and on the label of such
5 sound or audio visual recording.

6 "Unlawful access device" means any type of instrument,
7 device, machine, equipment, technology, or software which is
8 primarily possessed, used, designed, assembled, manufactured,
9 sold, distributed or offered, promoted or advertised for the
10 purpose of defeating or circumventing any technology, device or
11 software, or any component or part thereof, used by the
12 provider, owner or licensee of any communication service or of
13 any data, audio or video programs or transmissions to protect
14 any such communication, audio or video services, programs or
15 transmissions from unauthorized access, acquisition, receipt,
16 decryption, disclosure, communication, transmission or
17 re-transmission.

18 "Unlawful communication device" means any electronic
19 serial number, mobile identification number, personal
20 identification number or any communication or wireless device
21 that is capable of acquiring or facilitating the acquisition of
22 a communication service without the express consent or express
23 authorization of the communication service provider, or that
24 has been altered, modified, programmed or reprogrammed, alone
25 or in conjunction with another communication or wireless device
26 or other equipment, to so acquire or facilitate the

1 unauthorized acquisition of a communication service. "Unlawful
2 communication device" also means:

3 (1) any phone altered to obtain service without the
4 express consent or express authorization of the
5 communication service provider, tumbler phone, counterfeit
6 or clone phone, tumbler microchip, counterfeit or clone
7 microchip, scanning receiver of wireless communication
8 service or other instrument capable of disguising its
9 identity or location or of gaining unauthorized access to a
10 communications or wireless system operated by a
11 communication service provider; and

12 (2) any communication or wireless device which is
13 capable of, or has been altered, designed, modified,
14 programmed or reprogrammed, alone or in conjunction with
15 another communication or wireless device or devices, so as
16 to be capable of, facilitating the disruption,
17 acquisition, receipt, transmission or decryption of a
18 communication service without the express consent or
19 express authorization of the communication service
20 provider, including, but not limited to, any device,
21 technology, product, service, equipment, computer software
22 or component or part thereof, primarily distributed, sold,
23 designed, assembled, manufactured, modified, programmed,
24 reprogrammed or used for the purpose of providing the
25 unauthorized receipt of, transmission of, disruption of,
26 decryption of, access to or acquisition of any

1 communication service provided by any communication
2 service provider.

3 "Vehicle" means a motor vehicle, motorcycle, or farm
4 implement that is self-propelled and that uses motor fuel for
5 propulsion.

6 "Wireless device" includes any type of instrument, device,
7 machine, or equipment that is capable of transmitting or
8 receiving telephonic, electronic or radio communications, or
9 any part of such instrument, device, machine, or equipment, or
10 any computer circuit, computer chip, electronic mechanism, or
11 other component that is capable of facilitating the
12 transmission or reception of telephonic, electronic, or radio
13 communications.

14 (720 ILCS 5/Art. 16, Subdiv. 5 heading new)

15 SUBDIVISION 5. GENERAL THEFT

16 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

17 (Text of Section after amendment by P.A. 96-1532)

18 Sec. 16-1. Theft.

19 (a) A person commits theft when he or she knowingly:

20 (1) Obtains or exerts unauthorized control over
21 property of the owner; or

22 (2) Obtains by deception control over property of the
23 owner; or

24 (3) Obtains by threat control over property of the

1 owner; or

2 (4) Obtains control over stolen property knowing the
3 property to have been stolen or under such circumstances as
4 would reasonably induce him or her to believe that the
5 property was stolen; or

6 (5) Obtains or exerts control over property in the
7 custody of any law enforcement agency which any law
8 enforcement officer or any individual acting in behalf of a
9 law enforcement agency explicitly represents to the person
10 as being stolen or represents to the person such
11 circumstances as would reasonably induce the person to
12 believe that the property was stolen, and

13 (A) Intends to deprive the owner permanently of the
14 use or benefit of the property; or

15 (B) Knowingly uses, conceals or abandons the
16 property in such manner as to deprive the owner
17 permanently of such use or benefit; or

18 (C) Uses, conceals, or abandons the property
19 knowing such use, concealment or abandonment probably
20 will deprive the owner permanently of such use or
21 benefit.

22 (b) Sentence.

23 (1) Theft of property not from the person and not
24 exceeding \$500 in value is a Class A misdemeanor.

25 (1.1) Theft of property not from the person and not
26 exceeding \$500 in value is a Class 4 felony if the theft

1 was committed in a school or place of worship or if the
2 theft was of governmental property.

3 (2) A person who has been convicted of theft of
4 property not from the person and not exceeding \$500 in
5 value who has been previously convicted of any type of
6 theft, robbery, armed robbery, burglary, residential
7 burglary, possession of burglary tools, home invasion,
8 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or
9 4-103.3 of the Illinois Vehicle Code relating to the
10 possession of a stolen or converted motor vehicle, or a
11 violation of Section 17-36 of the Criminal Code of 1961 or
12 Section 8 of the Illinois Credit Card and Debit Card Act is
13 guilty of a Class 4 felony. ~~When a person has any such~~
14 ~~prior conviction, the information or indictment charging~~
15 ~~that person shall state such prior conviction so as to give~~
16 ~~notice of the State's intention to treat the charge as a~~
17 ~~felony. The fact of such prior conviction is not an element~~
18 ~~of the offense and may not be disclosed to the jury during~~
19 ~~trial unless otherwise permitted by issues properly raised~~
20 ~~during such trial.~~

21 (3) (Blank).

22 (4) Theft of property from the person not exceeding
23 \$500 in value, or theft of property exceeding \$500 and not
24 exceeding \$10,000 in value, is a Class 3 felony.

25 (4.1) Theft of property from the person not exceeding
26 \$500 in value, or theft of property exceeding \$500 and not

1 exceeding \$10,000 in value, is a Class 2 felony if the
2 theft was committed in a school or place of worship or if
3 the theft was of governmental property.

4 (5) Theft of property exceeding \$10,000 and not
5 exceeding \$100,000 in value is a Class 2 felony.

6 (5.1) Theft of property exceeding \$10,000 and not
7 exceeding \$100,000 in value is a Class 1 felony if the
8 theft was committed in a school or place of worship or if
9 the theft was of governmental property.

10 (6) Theft of property exceeding \$100,000 and not
11 exceeding \$500,000 in value is a Class 1 felony.

12 (6.1) Theft of property exceeding \$100,000 in value is
13 a Class X felony if the theft was committed in a school or
14 place of worship or if the theft was of governmental
15 property.

16 (6.2) Theft of property exceeding \$500,000 and not
17 exceeding \$1,000,000 in value is a Class 1
18 non-probationable felony.

19 (6.3) Theft of property exceeding \$1,000,000 in value
20 is a Class X felony.

21 (7) Theft by deception, as described by paragraph (2)
22 of subsection (a) of this Section, in which the offender
23 obtained money or property valued at \$5,000 or more from a
24 victim 60 years of age or older is a Class 2 felony.

25 (8) Theft by deception, as described by paragraph (2)
26 of subsection (a) of this Section, in which the offender

1 falsely poses as a landlord or agent or employee of the
2 landlord and obtains a rent payment or a security deposit
3 from a tenant is a Class 3 felony if the rent payment or
4 security deposit obtained does not exceed \$500.

5 (9) Theft by deception, as described by paragraph (2)
6 of subsection (a) of this Section, in which the offender
7 falsely poses as a landlord or agent or employee of the
8 landlord and obtains a rent payment or a security deposit
9 from a tenant is a Class 2 felony if the rent payment or
10 security deposit obtained exceeds \$500 and does not exceed
11 \$10,000.

12 (10) Theft by deception, as described by paragraph (2)
13 of subsection (a) of this Section, in which the offender
14 falsely poses as a landlord or agent or employee of the
15 landlord and obtains a rent payment or a security deposit
16 from a tenant is a Class 1 felony if the rent payment or
17 security deposit obtained exceeds \$10,000 and does not
18 exceed \$100,000.

19 (11) Theft by deception, as described by paragraph (2)
20 of subsection (a) of this Section, in which the offender
21 falsely poses as a landlord or agent or employee of the
22 landlord and obtains a rent payment or a security deposit
23 from a tenant is a Class X felony if the rent payment or
24 security deposit obtained exceeds \$100,000.

25 (c) When a charge of theft of property exceeding a
26 specified value is brought, the value of the property involved

1 is an element of the offense to be resolved by the trier of
2 fact as either exceeding or not exceeding the specified value.

3 (d) Theft by lessee; permissive inference. The trier of
4 fact may infer evidence that a person intends to deprive the
5 owner permanently of the use or benefit of the property (1) if
6 a lessee of the personal property of another fails to return it
7 to the owner within 10 days after written demand from the owner
8 for its return or (2) if a lessee of the personal property of
9 another fails to return it to the owner within 24 hours after
10 written demand from the owner for its return and the lessee had
11 presented identification to the owner that contained a
12 materially fictitious name, address, or telephone number. A
13 notice in writing, given after the expiration of the leasing
14 agreement, addressed and mailed, by registered mail, to the
15 lessee at the address given by him and shown on the leasing
16 agreement shall constitute proper demand.

17 (e) Permissive inference; evidence of intent that a person
18 obtains by deception control over property. The trier of fact
19 may infer that a person "knowingly obtains by deception control
20 over property of the owner" when he or she fails to return,
21 within 45 days after written demand from the owner, the
22 downpayment and any additional payments accepted under a
23 promise, oral or in writing, to perform services for the owner
24 for consideration of \$3,000 or more, and the promisor knowingly
25 without good cause failed to substantially perform pursuant to
26 the agreement after taking a down payment of 10% or more of the

1 agreed upon consideration. This provision shall not apply where
2 the owner initiated the suspension of performance under the
3 agreement, or where the promisor responds to the notice within
4 the 45-day notice period. A notice in writing, addressed and
5 mailed, by registered mail, to the promisor at the last known
6 address of the promisor, shall constitute proper demand.

7 (f) Offender's interest in the property.

8 (1) It is no defense to a charge of theft of property
9 that the offender has an interest therein, when the owner
10 also has an interest to which the offender is not entitled.

11 (2) Where the property involved is that of the
12 offender's spouse, no prosecution for theft may be
13 maintained unless the parties were not living together as
14 man and wife and were living in separate abodes at the time
15 of the alleged theft.

16 (Source: P.A. 96-496, eff. 1-1-10; 96-534, eff. 8-14-09;
17 96-1000, eff. 7-2-10; 96-1301, eff. 1-1-11; 96-1532, eff.
18 1-1-12; 96-1551, eff. 7-1-11; revised 4-22-11.)

19 (720 ILCS 5/16-2) (from Ch. 38, par. 16-2)

20 Sec. 16-2. Theft of lost or mislaid property.

21 A person commits theft of ~~who obtains control over~~ lost or
22 mislaid property ~~commits theft~~ when he or she obtains control
23 over the property and:

24 (a) Knows or learns the identity of the owner or knows, or
25 is aware of, or learns of a reasonable method of identifying

1 the owner, and

2 (b) Fails to take reasonable measures to restore the
3 property to the owner, and

4 (c) Intends to deprive the owner permanently of the use or
5 benefit of the property.

6 (d) Sentence.

7 Theft of lost or mislaid property where:

8 (1) the value does not exceed \$500 is a Class B
9 misdemeanor;

10 (2) the value exceeds \$500 but does not exceed \$10,000
11 is a Class A misdemeanor; and

12 (3) the value exceeds \$10,000 is a Class 4 felony ~~is a~~
13 ~~petty offense.~~

14 (Source: P.A. 78-255.)

15 (720 ILCS 5/16-3) (from Ch. 38, par. 16-3)

16 Sec. 16-3. Theft of labor or services or use of property.

17 (a) A person commits theft when he or she knowingly obtains
18 the temporary use of property, labor or services of another
19 which are available only for hire, by means of threat or
20 deception or knowing that such use is without the consent of
21 the person providing the property, labor or services. For the
22 purposes of this subsection, library material is available for
23 hire.

24 (b) A person commits theft when after renting or leasing a
25 motor vehicle, obtaining a motor vehicle through a "driveaway"

1 service mode of transportation or renting or leasing any other
2 type of personal property exceeding \$500 in value, under an
3 agreement in writing which provides for the return of the
4 vehicle or other personal property to a particular place at a
5 particular time, he or she without good cause knowingly
6 ~~wilfully~~ fails to return the vehicle or other personal property
7 to that place within the time specified, and is thereafter
8 served or sent a written demand mailed to the last known
9 address, made by certified mail return receipt requested, to
10 return such vehicle or other personal property within 3 days
11 from the mailing of the written demand, and who without good
12 cause knowingly ~~wilfully~~ fails to return the vehicle or any
13 other personal property to any place of business of the lessor
14 within such period.

15 (c) A person commits theft when he or she borrows from a
16 library facility library material which has an aggregate value
17 of \$50 or more pursuant to an agreement with or procedure
18 established by the library facility for the return of such
19 library material, and knowingly without good cause fails to
20 return the library material so borrowed in accordance with such
21 agreement or procedure, and further knowingly without good
22 cause fails to return such library material within 30 days
23 after receiving written notice by certified mail from the
24 library facility demanding the return of such library material.

25 (d) ~~(e)~~ Sentence.

26 A person convicted of theft under subsection (a) ~~of this~~

1 ~~Section~~ is guilty of a Class A misdemeanor, except that the
2 theft of library material where the aggregate value exceeds
3 \$300 is a Class 3 felony. A person convicted of theft under
4 subsection (b) of this Section is guilty of a Class 4 felony. A
5 person convicted of theft under subsection (c) is guilty of a
6 petty offense for which the offender may be fined an amount not
7 to exceed \$500 and shall be ordered to reimburse the library
8 for postage costs, attorney's fees, and actual replacement
9 costs of the materials not returned, except that theft under
10 subsection (c) where the aggregate value exceeds \$300 is a
11 Class 3 felony.

12 For the purpose of sentencing on theft of library material,
13 separate transactions totalling more than \$300 within a 90-day
14 period shall constitute a single offense.

15 (Source: P.A. 84-800.)

16 (720 ILCS 5/16-5) (from Ch. 38, par. 16-5)

17 Sec. 16-5. Theft from coin-operated machine ~~machines~~.

18 (a) A person commits theft from a coin-operated machine
19 when he or she knowingly and without authority ~~and with intent~~
20 ~~to commit a theft from such machine~~ opens, breaks into, tampers
21 with, triggers, or damages a coin-operated machine either:

22 (1) to operate or use the machine; or

23 (2) with the intent to commit a theft from the machine.

24 ~~(b) As used in this Section, the term "coin-operated~~
25 ~~machine" shall include any automatic vending machine or any~~

1 ~~part thereof, parking meter, coin telephone, coin laundry~~
2 ~~machine, coin dry cleaning machine, amusement machine, music~~
3 ~~machine, vending machine dispensing goods or services, or money~~
4 ~~changer.~~

5 (b) ~~(e)~~ Sentence.

6 (1) A violation of subdivision (a)(1) is a Class B
7 misdemeanor.

8 (2) A violation of subdivision (a)(2) is ~~A person~~
9 ~~convicted of theft from a coin operated machine shall be~~
10 ~~guilty of a Class A misdemeanor.~~

11 (3) A person who has been convicted of theft from a
12 coin-operated machine in violation of subdivision (a)(2)
13 and who has been previously convicted of any type of theft,
14 robbery, armed robbery, burglary, residential burglary,
15 possession of burglary tools, or home invasion is guilty of
16 a Class 4 felony. ~~When a person has any such prior~~
17 ~~conviction, the information or indictment charging that~~
18 ~~person shall state such prior conviction so as to give~~
19 ~~notice of the State's intention to treat the charge as a~~
20 ~~felony. The fact of such prior conviction is not an element~~
21 ~~of the offense and may not be disclosed to the jury during~~
22 ~~trial unless otherwise permitted by issues properly raised~~
23 ~~during such trial.~~

24 (Source: P.A. 90-655, eff. 7-30-98.)

25 (720 ILCS 5/16-6) (from Ch. 38, par. 16-6)

1 Sec. 16-6. Theft-related devices ~~Coin-operated machines;~~
2 ~~possession of a key or device.~~

3 (a) (1) A person commits unlawful possession of a key or
4 device for a coin-operated machine when he or she ~~who~~ possesses
5 a key, a tool, an instrument, an explosive, a device, a
6 substance, or a drawing, print, or mold of a key, a tool, an
7 instrument, an explosive, a device, or a substance designed to
8 open, break into, tamper with, or damage a coin-operated
9 machine as defined in paragraph (b) of Section 16-5 of this
10 Act, with intent to commit a theft from the machine, ~~is guilty~~
11 ~~of a Class A misdemeanor.~~

12 (2) A person commits unlawful use of a key or device for a
13 coin-operated machine when he or she ~~using any of the devices~~
14 ~~or substances listed in this subsection (a)~~ with the intent to
15 commit a theft from a coin-operated machine uses a key,
16 drawing, print, mold of a key, device, or substance ~~and who~~
17 causes damage or loss to the coin-operated machine of more than
18 \$300 ~~is guilty of a Class 4 felony.~~

19 (b) (1) A person commits unlawful use of a theft detection
20 shielding device when he or she knowingly manufactures, sells,
21 offers for sale or distributes any theft detection shielding
22 device.

23 (2) A person commits unlawful possession of a theft
24 detection shielding device when he or she knowingly possesses a
25 theft detection shielding device with the intent to commit
26 theft or retail theft.

1 (3) A person commits unlawful possession of a theft
2 detection device remover when he or she knowingly possesses a
3 theft detection device remover with the intent to use such tool
4 to remove any theft detection device from any merchandise
5 without the permission of the merchant or person owning or
6 holding the merchandise.

7 (c) A person commits use of a scanning device or reencoder
8 to defraud when the person knowingly uses:

9 (1) a scanning device to access, read, obtain,
10 memorize, or store, temporarily or permanently,
11 information encoded on the magnetic strip or stripe of a
12 payment card without the permission of the authorized user
13 of the payment card and with the intent to defraud the
14 authorized user, the issuer of the authorized user's
15 payment card, or a merchant; or

16 (2) a reencoder to place information encoded on the
17 magnetic strip or stripe of a payment card onto the
18 magnetic strip or stripe of a different card without the
19 permission of the authorized user of the card from which
20 the information is being reencoded and with the intent to
21 defraud the authorized user, the issuer of the authorized
22 user's payment card, or a merchant.

23 (d) Sentence. A violation of subdivision (a) (1), (b) (1),
24 (b) (2), or (b) (3) is a Class A misdemeanor. A second or
25 subsequent violation of subdivision (b) (1), (b) (2), or (b) (3)
26 is a Class 4 felony. A violation of subdivision (a) (2), (c) (1),

1 or (c) (2) is a Class 4 felony. A second or subsequent violation
2 of subdivision (c) (1) or (c) (2) is a Class 3 felony.

3 (e) ~~(b)~~ The owner of a coin-operated machine may maintain a
4 civil cause of action against a person engaged in the
5 activities covered in subdivisions (a) (1) and (a) (2) ~~this~~
6 ~~Section~~ and may recover treble actual damages, reasonable
7 attorney's fees, and costs.

8 (f) ~~(e)~~ As used in this Section, "substance" means a
9 corrosive or acidic liquid or solid but does not include items
10 purchased through a coin-operated machine at the location or
11 acquired as condiments at the location of the coin-operated
12 machine.

13 (g) For the purposes of this Section, "theft detection
14 shielding device" means any laminated or coated bag or device
15 peculiar to and marketed for shielding and intended to shield
16 merchandise from detection by an electronic or magnetic theft
17 alarm sensor.

18 (Source: P.A. 89-32, eff. 1-1-96.)

19 (720 ILCS 5/16-7) (from Ch. 38, par. 16-7)

20 Sec. 16-7. Unlawful use of recorded sounds or images.

21 (a) A person commits unlawful use of recorded sounds or
22 images when he or she knowingly or recklessly:

23 (1) ~~Intentionally, knowingly or recklessly~~ transfers
24 or causes to be transferred without the consent of the
25 owner, any sounds or images recorded on any sound or audio

1 visual recording with the intent ~~purpose~~ of selling or
2 causing to be sold, or using or causing to be used for
3 profit the article to which such sounds or recordings of
4 sound are transferred;~~:-~~

5 (2) ~~Intentionally, knowingly or recklessly~~ sells,
6 offers for sale, advertises for sale, uses or causes to be
7 used for profit any such article described in subdivision
8 (a) (1) ~~subsection 16-7(a)(1)~~ without consent of the
9 owner;~~:-~~

10 (3) ~~Intentionally, knowingly or recklessly~~ offers or
11 makes available for a fee, rental or any other form of
12 compensation, directly or indirectly, any equipment or
13 machinery for the purpose of use by another to reproduce or
14 transfer, without the consent of the owner, any sounds or
15 images recorded on any sound or audio visual recording to
16 another sound or audio visual recording or for the purpose
17 of use by another to manufacture any sound or audio visual
18 recording in violation of subsection (b); ~~or Section 16-8.~~

19 (4) ~~Intentionally, knowingly or recklessly~~ transfers
20 or causes to be transferred without the consent of the
21 owner, any live performance with the intent ~~purpose~~ of
22 selling or causing to be sold, or using or causing to be
23 used for profit the sound or audio visual recording to
24 which the performance is transferred.

25 (b) A person commits unlawful use of unidentified sound or
26 audio visual recordings when he or she knowingly, recklessly,

1 or negligently for profit manufacturers, sells, distributes,
2 vends, circulates, performs, leases, possesses, or otherwise
3 deals in and with unidentified sound or audio visual recordings
4 or causes the manufacture, sale, distribution, vending,
5 circulation, performance, lease, or other dealing in and with
6 unidentified sound or audio visual recordings.

7 (c) For the purposes of this Section, "owner" means the
8 person who owns the master sound recording on which sound is
9 recorded and from which the transferred recorded sounds are
10 directly or indirectly derived, or the person who owns the
11 rights to record or authorize the recording of a live
12 performance.

13 For the purposes of this Section, "manufacturer" means the
14 person who actually makes or causes to be made a sound or audio
15 visual recording. "Manufacturer" does not include a person who
16 manufactures the medium upon which sounds or visual images can
17 be recorded or stored, or who manufactures the cartridge or
18 casing itself.

19 ~~(b) As used in this Section and Section 16-8:~~

20 ~~(1) "Person" means any individual, partnership,~~
21 ~~corporation, association or other entity.~~

22 ~~(2) "Owner" means the person who owns the master sound~~
23 ~~recording on which sound is recorded and from which the~~
24 ~~transferred recorded sounds are directly or indirectly~~
25 ~~derived, or the person who owns the rights to record or~~
26 ~~authorize the recording of a live performance.~~

1 ~~(3) "Sound or audio visual recording" means any sound~~
2 ~~or audio visual phonograph record, disc, pre-recorded tape,~~
3 ~~film, wire, magnetic tape or other object, device or medium,~~
4 ~~now known or hereafter invented, by which sounds or images may~~
5 ~~be reproduced with or without the use of any additional~~
6 ~~machine, equipment or device.~~

7 ~~(4) "Master sound recording" means the original~~
8 ~~physical object on which a given set of sounds were first~~
9 ~~recorded and which the original object from which all~~
10 ~~subsequent sound recordings embodying the same set of sounds~~
11 ~~are directly or indirectly derived.~~

12 ~~(5) "Unidentified sound or audio visual recording"~~
13 ~~means a sound or audio visual recording without the actual name~~
14 ~~and full and correct street address of the manufacturer, and~~
15 ~~the name of the actual performers or groups prominently and~~
16 ~~legibly printed on the outside cover or jacket and on the label~~
17 ~~of such sound or audio visual recording.~~

18 ~~(6) "Manufacturer" means the person who actually makes~~
19 ~~or causes to be made a sound or audio visual recording. The~~
20 ~~term manufacturer does not include a person who manufactures~~
21 ~~the medium upon which sounds or visual images can be recorded~~
22 ~~or stored, or who manufactures the cartridge or casing itself.~~

23 (d) Sentence. ~~(e)~~ Unlawful use of recorded sounds or images
24 or unidentified sound or audio visual recordings is a Class 4
25 felony; however:

26 (1) If the offense involves more than 100 but not

1 exceeding 1000 unidentified sound recordings or more than 7
2 but not exceeding 65 unidentified audio visual recordings
3 during any 180 day period the authorized fine is up to
4 \$100,000; and

5 (2) If the offense involves more than 1,000
6 unidentified sound recordings or more than 65 unidentified
7 audio visual recordings during any 180 day period the
8 authorized fine is up to \$250,000.

9 (e) Upon conviction of any violation of subsection (b), the
10 offender shall be sentenced to make restitution to any owner or
11 lawful producer of a master sound or audio visual recording, or
12 to the trade association representing such owner or lawful
13 producer, that has suffered injury resulting from the crime.
14 The order of restitution shall be based on the aggregate
15 wholesale value of lawfully manufactured and authorized sound
16 or audio visual recordings corresponding to the non-conforming
17 recorded devices involved in the offense, and shall include
18 investigative costs relating to the offense.

19 (f) Subsection (a) of this ~~(d) This~~ Section shall neither
20 enlarge nor diminish the rights of parties in private
21 litigation.

22 (g) Subsection (a) of this ~~(e) This~~ Section does not apply
23 to any person engaged in the business of radio or television
24 broadcasting who transfers, or causes to be transferred, any
25 sounds (other than from the sound track of a motion picture)
26 solely for the purpose of broadcast transmission.

1 ~~(f) If any provision or item of this Section or the~~
2 ~~application thereof is held invalid, such invalidity shall not~~
3 ~~affect other provisions, items or applications of this Section~~
4 ~~which can be given effect without the invalid provisions, items~~
5 ~~or applications and to this end the provisions of this Section~~
6 ~~are hereby declared severable.~~

7 (h) ~~(g)~~ Each ~~and every~~ individual manufacture,
8 distribution or sale or transfer for a consideration of such
9 recorded devices in contravention of subsection (a) of this
10 Section constitutes a separate violation of this Section. Each
11 individual manufacture, sale, distribution, vending,
12 circulation, performance, lease, possession, or other dealing
13 in and with an unidentified sound or audio visual recording
14 under subsection (b) of this Section constitutes a separate
15 violation of this Section.

16 (i) ~~(h)~~ Any sound or audio visual recordings containing
17 transferred sounds or a performance whose transfer was not
18 authorized by the owner of the master sound recording or
19 performance, or any unidentified sound or audio visual
20 recording used, in violation of this Section, or in the attempt
21 to commit such violation as defined in Section 8-4, or in a
22 conspiracy to commit such violation as defined in Section 8-2,
23 or in a solicitation to commit such offense as defined in
24 Section 8-1, may be confiscated and destroyed upon conclusion
25 of the case or cases to which they are relevant, except that
26 the court ~~Court~~ may enter an order preserving them as evidence

1 for use in other cases or pending the final determination of an
2 appeal.

3 (j) ~~(i)~~ It is an affirmative defense to any charge of
4 unlawful use of recorded sounds or images that the recorded
5 sounds or images so used are public domain material. For
6 purposes of this Section, recorded sounds are deemed to be in
7 the public domain if the recorded sounds were copyrighted
8 pursuant to the copyright laws of the United States, as the
9 same may be amended from time to time, and the term of the
10 copyright and any extensions or renewals thereof has expired.
11 (Source: P.A. 95-485, eff. 1-1-08.)

12 (720 ILCS 5/16-14) (from Ch. 38, par. 16-14)

13 Sec. 16-14. Theft of utility services.

14 (a) A person commits theft of ~~the offense of unlawful~~
15 ~~interference with public~~ utility services when he or she
16 knowingly, without authority, diverts or interferes with the
17 ~~consent of the owner of the services, impairs or interrupts any~~
18 public water, gas, or power supply, ~~telecommunications~~
19 ~~service, wireless service,~~ or other public services, ~~or~~
20 ~~diverts, or causes to be diverted in whole or in part, any~~
21 ~~public water, gas, or power supply, telecommunications~~
22 ~~service, wireless service, or other public services,~~ or
23 installs ~~or removes~~ any device with the intent to divert or
24 interfere with any public water, gas, power supply, or other
25 public services without the authority of the owner or entity

1 ~~furnishing or transmitting such product or for the purpose of~~
2 ~~such diversion, or knowingly delays restoration of such public~~
3 ~~services, as a result of the person's theft of wire used for~~
4 ~~such services.~~

5 ~~(b) The terms "public water, gas, or power supply, or other~~
6 ~~public services" mean any service subject to regulation by the~~
7 ~~Illinois Commerce Commission; any service furnished by a public~~
8 ~~utility that is owned and operated by any political~~
9 ~~subdivision, public institution of higher education or~~
10 ~~municipal corporation of this State; any service furnished by~~
11 ~~any public utility that is owned by such political subdivision,~~
12 ~~public institution of higher education, or municipal~~
13 ~~corporation and operated by any of its lessees or operating~~
14 ~~agents; any service furnished by an electric cooperative as~~
15 ~~defined in Section 3.4 of the Electric Supplier Act; or~~
16 ~~wireless service or other service regulated by the Federal~~
17 ~~Communications Commission.~~

18 ~~(c) Any instrument, apparatus, or device used in obtaining~~
19 ~~utility services without paying the full charge therefore or~~
20 ~~any meter that has been altered, tampered with, or bypassed so~~
21 ~~as to cause a lack of measurement or inaccurate measurement of~~
22 ~~utility services on premises controlled by the customer or by~~
23 ~~the person using or receiving the direct benefit of utility~~
24 ~~service at that location shall raise a rebuttable presumption~~
25 ~~of the commission of the offense described in subparagraph (a)~~
26 ~~by such person.~~

1 (b) Sentence. ~~(d)~~ (1) Except as provided in paragraph (3),
2 a violation of this Section is ~~A person convicted of unlawful~~
3 ~~interference with public utility services is guilty of a Class~~
4 ~~A~~ misdemeanor unless the offense was committed for
5 remuneration, in which case it is a Class 4 felony.

6 (2) Except as provided in paragraph (3), a second or
7 subsequent violation of this Section is ~~After a first~~
8 ~~conviction of unlawful interference with public utility~~
9 ~~services any subsequent conviction shall be a Class 4 felony.~~

10 (3) If the offense causes disruption of the public utility
11 services or ~~the~~ delay in the restoration of the public utility
12 services ~~occurs~~ to 10 or more customers or affects an area of
13 more than one square mile, a violation of this Section ~~unlawful~~
14 ~~interference with public utility services~~ is a Class 2 felony.

15 (c) This Section does not apply to the theft of
16 telecommunication services.

17 (Source: P.A. 95-323, eff. 1-1-08.)

18 (720 ILCS 5/16-17)

19 Sec. 16-17. Theft of advertising services.

20 ~~(a) In this Section, "unauthorized advertisement" means~~
21 ~~any form of representation or communication, including any~~
22 ~~handbill, newsletter, pamphlet, or notice that contains any~~
23 ~~letters, words, or pictorial representation that is attached to~~
24 ~~or inserted in a newspaper or periodical without a contractual~~
25 ~~agreement between the publisher and an advertiser.~~

1 (a) A ~~(b)~~ Any person commits theft of advertising services
2 when he or she ~~who~~ knowingly attaches or inserts an
3 unauthorized advertisement in a newspaper or periodical, and
4 ~~who~~ redistributes it to the public or ~~who~~ has the intent to
5 redistribute it to the public, ~~is guilty of the offense of~~
6 ~~theft of advertising services.~~

7 ~~(c) Sentence. Theft of advertising services is a Class A~~
8 ~~misdemeanor.~~

9 (b) ~~(d)~~ This Section applies to any newspaper or periodical
10 that is offered for retail sale or is distributed without
11 charge.

12 (c) ~~(e)~~ This Section does not apply if the publisher or
13 authorized distributor of the newspaper or periodical consents
14 to the attachment or insertion of the advertisement.

15 (d) In this Section, "unauthorized advertisement" means
16 any form of representation or communication, including any
17 handbill, newsletter, pamphlet, or notice that contains any
18 letters, words, or pictorial representation that is attached to
19 or inserted in a newspaper or periodical without a contractual
20 agreement between the publisher and an advertiser.

21 (e) Sentence. Theft of advertising services is a Class A
22 misdemeanor.

23 (Source: P.A. 92-428, eff. 8-17-01.)

24 (720 ILCS 5/16-18)

25 Sec. 16-18. Tampering with communication services; theft

1 of communication services ~~Unlawful communication and access~~
2 ~~devices; definitions.~~

3 (a) Injury to wires or obtaining service with intent to
4 defraud. A person commits injury to wires or obtaining service
5 with intent to defraud when he or she knowingly:

6 (1) displaces, removes, injures or destroys any
7 telegraph or telephone line, wire, cable, pole or conduit,
8 belonging to another, or the material or property
9 appurtenant thereto; or

10 (2) cuts, breaks, taps, or makes any connection with
11 any telegraph or telephone line, wire, cable or instrument
12 belonging to another; or

13 (3) reads, takes or copies any message, communication
14 or report intended for another passing over any such
15 telegraph line, wire or cable in this State; or

16 (4) prevents, obstructs or delays by any means or
17 contrivance whatsoever, the sending, transmission,
18 conveyance or delivery in this State of any message,
19 communication or report by or through any telegraph or
20 telephone line, wire or cable; or

21 (5) uses any apparatus to unlawfully do or cause to be
22 done any of the acts described in subdivisions (a)(1)
23 through (a)(4) of this Section; or

24 (6) obtains, or attempts to obtain, any
25 telecommunications service with the intent to deprive any
26 person of the lawful charge, in whole or in part, for any

1 telecommunications service:

2 (A) by charging such service to an existing
3 telephone number without the authority of the
4 subscriber thereto; or

5 (B) by charging such service to a nonexistent,
6 false, fictitious, or counterfeit telephone number or
7 to a suspended, terminated, expired, canceled, or
8 revoked telephone number; or

9 (C) by use of a code, prearranged scheme, or other
10 similar stratagem or device whereby said person, in
11 effect, sends or receives information; or

12 (D) by publishing the number or code of an
13 existing, canceled, revoked or nonexistent telephone
14 number, credit number or other credit device or method
15 of numbering or coding which is employed in the
16 issuance of telephone numbers, credit numbers or other
17 credit devices which may be used to avoid the payment
18 of any lawful telephone toll charge; or

19 (E) by any other trick, stratagem, impersonation,
20 false pretense, false representation, false statement,
21 contrivance, device, or means.

22 (b) Theft of communication services. A person commits theft
23 of communication services when he or she knowingly:

24 (1) obtains or uses a communication service without the
25 authorization of, or compensation paid to, the
26 communication service provider;

1 (2) possesses, uses, manufactures, assembles,
2 distributes, leases, transfers, or sells, or offers,
3 promotes or advertises for sale, lease, use, or
4 distribution, an unlawful communication device:

5 (A) for the commission of a theft of a
6 communication service or to receive, disrupt,
7 transmit, decrypt, or acquire, or facilitate the
8 receipt, disruption, transmission, decryption or
9 acquisition, of any communication service without the
10 express consent or express authorization of the
11 communication service provider; or

12 (B) to conceal or to assist another to conceal from
13 any communication service provider or from any lawful
14 authority the existence or place of origin or
15 destination of any communication;

16 (3) modifies, alters, programs or reprograms a
17 communication device for the purposes described in
18 subdivision (2) (A) or (2) (B);

19 (4) possesses, uses, manufactures, assembles, leases,
20 distributes, sells, or transfers, or offers, promotes or
21 advertises for sale, use or distribution, any unlawful
22 access device; or

23 (5) possesses, uses, prepares, distributes, gives or
24 otherwise transfers to another or offers, promotes, or
25 advertises for sale, use or distribution, any:

26 (A) plans or instructions for making or assembling

1 an unlawful communication or access device, with the
2 intent to use or employ the unlawful communication or
3 access device, or to allow the same to be used or
4 employed, for a purpose prohibited by this subsection
5 (b), or knowing or having reason to know that the plans
6 or instructions are intended to be used for
7 manufacturing or assembling the unlawful communication
8 or access device for a purpose prohibited by this
9 subsection (b); or

10 (B) material, including hardware, cables, tools,
11 data, computer software or other information or
12 equipment, knowing that the purchaser or a third person
13 intends to use the material in the manufacture or
14 assembly of an unlawful communication or access device
15 for a purpose prohibited by this subsection (b).

16 (c) Sentence.

17 (1) A violation of subsection (a) is a Class A
18 misdemeanor; provided, however, that any of the following
19 is a Class 4 felony:

20 (A) a second or subsequent conviction for a
21 violation of subsection (a); or

22 (B) an offense committed for remuneration; or

23 (C) an offense involving damage or destruction of
24 property in an amount in excess of \$300 or defrauding
25 of services in excess of \$500.

26 (2) A violation of subsection (b) is a Class A

1 misdemeanor, except that:

2 (A) A violation of subsection (b) is a Class 4
3 felony if:

4 (i) the violation of subsection (b) involves
5 at least 10, but not more than 50, unlawful
6 communication or access devices; or

7 (ii) the defendant engages in conduct
8 identified in subdivision (b)(3) of this Section
9 with the intention of substantially disrupting and
10 impairing the ability of a communication service
11 provider to deliver communication services to its
12 lawful customers or subscribers; or

13 (iii) the defendant at the time of the
14 commission of the offense is a pre-trial detainee
15 at a penal institution or is serving a sentence at
16 a penal institution; or

17 (iv) the defendant at the time of the
18 commission of the offense is a pre-trial detainee
19 at a penal institution or is serving a sentence at
20 a penal institution and uses any means of
21 electronic communication as defined in the
22 Harassing and Obscene Communications Act for
23 fraud, theft, theft by deception, identity theft,
24 or any other unlawful purpose; or

25 (v) the aggregate value of the service
26 obtained is \$300 or more; or

1 (vi) the violation is for a wired
2 communication service or device and the defendant
3 has been convicted previously for an offense under
4 subsection (b) or for any other type of theft,
5 robbery, armed robbery, burglary, residential
6 burglary, possession of burglary tools, home
7 invasion, or fraud, including violations of the
8 Cable Communications Policy Act of 1984 in this or
9 any federal or other state jurisdiction.

10 (B) A violation of subsection (b) is a Class 3
11 felony if:

12 (i) the violation of subsection (b) involves
13 more than 50 unlawful communication or access
14 devices; or

15 (ii) the defendant at the time of the
16 commission of the offense is a pre-trial detainee
17 at a penal institution or is serving a sentence at
18 a penal institution and has been convicted
19 previously of an offense under subsection (b)
20 committed by the defendant while serving as a
21 pre-trial detainee in a penal institution or while
22 serving a sentence at a penal institution; or

23 (iii) the defendant at the time of the
24 commission of the offense is a pre-trial detainee
25 at a penal institution or is serving a sentence at
26 a penal institution and has been convicted

1 previously of an offense under subsection (b)
2 committed by the defendant while serving as a
3 pre-trial detainee in a penal institution or while
4 serving a sentence at a penal institution and uses
5 any means of electronic communication as defined
6 in the Harassing and Obscene Communications Act
7 for fraud, theft, theft by deception, identity
8 theft, or any other unlawful purpose; or

9 (iv) the violation is for a wired
10 communication service or device and the defendant
11 has been convicted previously on 2 or more
12 occasions for offenses under subsection (b) or for
13 any other type of theft, robbery, armed robbery,
14 burglary, residential burglary, possession of
15 burglary tools, home invasion, or fraud, including
16 violations of the Cable Communications Policy Act
17 of 1984 in this or any federal or other state
18 jurisdiction.

19 (C) A violation of subsection (b) is a Class 2
20 felony if the violation is for a wireless communication
21 service or device and the defendant has been convicted
22 previously for an offense under subsection (b) or for
23 any other type of theft, robbery, armed robbery,
24 burglary, residential burglary, possession of burglary
25 tools, home invasion, or fraud, including violations
26 of the Cable Communications Policy Act of 1984 in this

1 or any federal or other state jurisdiction.

2 (3) Restitution. The court shall, in addition to any
3 other sentence authorized by law, sentence a person
4 convicted of violating subsection (b) to make restitution
5 in the manner provided in Article 5 of Chapter V of the
6 Unified Code of Corrections.

7 (d) Grading of offense based on prior convictions. For
8 purposes of grading an offense based upon a prior conviction
9 for an offense under subsection (b) or for any other type of
10 theft, robbery, armed robbery, burglary, residential burglary,
11 possession of burglary tools, home invasion, or fraud,
12 including violations of the Cable Communications Policy Act of
13 1984 in this or any federal or other state jurisdiction under
14 subdivisions (c) (2) (A) (i) and (c) (2) (B) (i) of this Section, a
15 prior conviction shall consist of convictions upon separate
16 indictments or criminal complaints for offenses under
17 subsection (b) or for any other type of theft, robbery, armed
18 robbery, burglary, residential burglary, possession of
19 burglary tools, home invasion, or fraud, including violations
20 of the Cable Communications Policy Act of 1984 in this or any
21 federal or other state jurisdiction.

22 (e) Separate offenses. For purposes of all criminal
23 penalties or fines established for violations of subsection
24 (b), the prohibited activity established in subsection (b) as
25 it applies to each unlawful communication or access device
26 shall be deemed a separate offense.

1 (f) Forfeiture of unlawful communication or access
2 devices. Upon conviction of a defendant under subsection (b),
3 the court may, in addition to any other sentence authorized by
4 law, direct that the defendant forfeit any unlawful
5 communication or access devices in the defendant's possession
6 or control which were involved in the violation for which the
7 defendant was convicted.

8 (g) Venue. An offense under subsection (b) may be deemed to
9 have been committed at either the place where the defendant
10 manufactured or assembled an unlawful communication or access
11 device, or assisted others in doing so, or the place where the
12 unlawful communication or access device was sold or delivered
13 to a purchaser or recipient. It is not a defense to a violation
14 of subsection (b) that some of the acts constituting the
15 offense occurred outside of the State of Illinois.

16 (h) Civil action. For purposes of subsection (b):

17 (1) Bringing a civil action. Any person aggrieved by a
18 violation may bring a civil action in any court of
19 competent jurisdiction.

20 (2) Powers of the court. The court may:

21 (A) grant preliminary and final injunctions to
22 prevent or restrain violations without a showing by the
23 plaintiff of special damages, irreparable harm or
24 inadequacy of other legal remedies;

25 (B) at any time while an action is pending, order
26 the impounding, on such terms as it deems reasonable,

1 of any unlawful communication or access device that is
2 in the custody or control of the violator and that the
3 court has reasonable cause to believe was involved in
4 the alleged violation;

5 (C) award damages as described in subdivision
6 (h) (3);

7 (D) award punitive damages;

8 (E) in its discretion, award reasonable attorney's
9 fees and costs, including, but not limited to, costs
10 for investigation, testing and expert witness fees, to
11 an aggrieved party who prevails; and

12 (F) as part of a final judgment or decree finding a
13 violation, order the remedial modification or
14 destruction of any unlawful communication or access
15 device involved in the violation that is in the custody
16 or control of the violator or has been impounded under
17 subdivision (h) (2) (B).

18 (3) Types of damages recoverable. Damages awarded by a
19 court under this Section shall be computed as either of the
20 following:

21 (A) Upon his or her election of such damages at any
22 time before final judgment is entered, the complaining
23 party may recover the actual damages suffered by him or
24 her as a result of the violation and any profits of the
25 violator that are attributable to the violation and are
26 not taken into account in computing the actual damages;

1 in determining the violator's profits, the complaining
2 party shall be required to prove only the violator's
3 gross revenue, and the violator shall be required to
4 prove his or her deductible expenses and the elements
5 of profit attributable to factors other than the
6 violation; or

7 (B) Upon election by the complaining party at any
8 time before final judgment is entered, that party may
9 recover in lieu of actual damages an award of statutory
10 damages of not less than \$250 and not more than \$10,000
11 for each unlawful communication or access device
12 involved in the action, with the amount of statutory
13 damages to be determined by the court, as the court
14 considers just. In any case, if the court finds that
15 any of the violations were committed with the intent to
16 obtain commercial advantage or private financial gain,
17 the court in its discretion may increase the award of
18 statutory damages by an amount of not more than \$50,000
19 for each unlawful communication or access device
20 involved in the action.

21 (4) Separate violations. For purposes of all civil
22 remedies established for violations, the prohibited
23 activity established in this Section applies to each
24 unlawful communication or access device and shall be deemed
25 a separate violation.

26 ~~As used in Sections 16 19, 16 20, and 16 21, unless the context~~

1 ~~otherwise indicates:~~

2 ~~"Communication device" means any type of instrument,~~
3 ~~device, machine, or equipment which is capable of transmitting,~~
4 ~~acquiring, decrypting, or receiving any telephonic,~~
5 ~~electronic, data, Internet access, audio, video, microwave, or~~
6 ~~radio transmissions, signals, communications, or services,~~
7 ~~including the receipt, acquisition, transmission, or~~
8 ~~decryption of all such communications, transmissions, signals,~~
9 ~~or services provided by or through any cable television, fiber~~
10 ~~optic, telephone, satellite, microwave, radio, Internet based,~~
11 ~~data transmission, or wireless distribution network, system or~~
12 ~~facility; or any part, accessory, or component thereof,~~
13 ~~including any computer circuit, security module, smart card,~~
14 ~~software, computer chip, electronic mechanism or other~~
15 ~~component, accessory or part of any communication device which~~
16 ~~is capable of facilitating the transmission, decryption,~~
17 ~~acquisition or reception of all such communications,~~
18 ~~transmissions, signals, or services.~~

19 ~~"Communication service" means any service lawfully~~
20 ~~provided for a charge or compensation to facilitate the lawful~~
21 ~~origination, transmission, emission, or reception of signs,~~
22 ~~signals, data, writings, images, and sounds or intelligence of~~
23 ~~any nature by telephone, including cellular telephones or a~~
24 ~~wire, wireless, radio, electromagnetic, photo-electronic or~~
25 ~~photo-optical system; and also any service lawfully provided by~~
26 ~~any radio, telephone, cable television, fiber optic,~~

1 ~~satellite, microwave, Internet based or wireless distribution~~
2 ~~network, system, facility or technology, including, but not~~
3 ~~limited to, any and all electronic, data, video, audio,~~
4 ~~Internet access, telephonic, microwave and radio~~
5 ~~communications, transmissions, signals and services, and any~~
6 ~~such communications, transmissions, signals and services~~
7 ~~lawfully provided directly or indirectly by or through any of~~
8 ~~those networks, systems, facilities or technologies.~~

9 ~~"Communication service provider" means: (1) any person or~~
10 ~~entity providing any communication service, whether directly~~
11 ~~or indirectly, as a reseller, including, but not limited to, a~~
12 ~~cellular, paging or other wireless communications company or~~
13 ~~other person or entity which, for a fee, supplies the facility,~~
14 ~~cell site, mobile telephone switching office or other equipment~~
15 ~~or communication service; (2) any person or entity owning or~~
16 ~~operating any cable television, fiber optic, satellite,~~
17 ~~telephone, wireless, microwave, radio, data transmission or~~
18 ~~Internet based distribution network, system or facility; and~~
19 ~~(3) any person or entity providing any communication service~~
20 ~~directly or indirectly by or through any such distribution~~
21 ~~system, network or facility.~~

22 ~~"Unlawful communication device" means any electronic~~
23 ~~serial number, mobile identification number, personal~~
24 ~~identification number or any communication device that is~~
25 ~~capable of acquiring or facilitating the acquisition of a~~
26 ~~communication service without the express consent or express~~

1 ~~authorization of the communication service provider, or that~~
2 ~~has been altered, modified, programmed or reprogrammed, alone~~
3 ~~or in conjunction with another communication device or other~~
4 ~~equipment, to so acquire or facilitate the unauthorized~~
5 ~~acquisition of a communication service. "Unlawful~~
6 ~~communication device" also means:~~

7 ~~(1) any phone altered to obtain service without the~~
8 ~~express consent or express authorization of the~~
9 ~~communication service provider, tumbler phone, counterfeit~~
10 ~~or clone phone, tumbler microchip, counterfeit or clone~~
11 ~~microchip or other instrument capable of disguising its~~
12 ~~identity or location or of gaining unauthorized access to a~~
13 ~~communications system operated by a communication service~~
14 ~~provider; and~~

15 ~~(2) any communication device which is capable of, or~~
16 ~~has been altered, designed, modified, programmed or~~
17 ~~reprogrammed, alone or in conjunction with another~~
18 ~~communication device or devices, so as to be capable of,~~
19 ~~facilitating the disruption, acquisition, receipt,~~
20 ~~transmission or decryption of a communication service~~
21 ~~without the express consent or express authorization of the~~
22 ~~communication service provider, including, but not limited~~
23 ~~to, any device, technology, product, service, equipment,~~
24 ~~computer software or component or part thereof, primarily~~
25 ~~distributed, sold, designed, assembled, manufactured,~~
26 ~~modified, programmed, reprogrammed or used for the purpose~~

1 ~~of providing the unauthorized receipt of, transmission of,~~
2 ~~disruption of, decryption of, access to or acquisition of~~
3 ~~any communication service provided by any communication~~
4 ~~service provider.~~

5 ~~"Manufacture or assembly of an unlawful communication~~
6 ~~device" means to make, produce or assemble an unlawful~~
7 ~~communication device or to modify, alter, program or reprogram~~
8 ~~a communication device to be capable of acquiring, disrupting,~~
9 ~~receiving, transmitting, decrypting, or facilitating the~~
10 ~~acquisition, disruption, receipt, transmission or decryption~~
11 ~~of, a communication service without the express consent or~~
12 ~~express authorization of the communication service provider,~~
13 ~~or to knowingly assist others in those activities.~~

14 ~~"Unlawful access device" means any type of instrument,~~
15 ~~device, machine, equipment, technology, or software which is~~
16 ~~primarily possessed, used, designed, assembled, manufactured,~~
17 ~~sold, distributed or offered, promoted or advertised for the~~
18 ~~purpose of defeating or circumventing any technology, device or~~
19 ~~software, or any component or part thereof, used by the~~
20 ~~provider, owner or licensee of any communication service or of~~
21 ~~any data, audio or video programs or transmissions to protect~~
22 ~~any such communication, audio or video services, programs or~~
23 ~~transmissions from unauthorized access, acquisition, receipt,~~
24 ~~decryption, disclosure, communication, transmission or~~
25 ~~re-transmission.~~

26 ~~"Manufacture or assembly of an unlawful access device"~~

~~means to make, produce or assemble an unlawful access device or to modify, alter, program or re-program any instrument, device, machine, equipment or software so that it is capable of defeating or circumventing any technology, device or software used by the provider, owner or licensee of a communication service or of any data, audio or video programs or transmissions to protect any such communication, data, audio or video services, programs or transmissions from unauthorized access, acquisition, disclosure, receipt, decryption, communication, transmission or re-transmission.~~

(Source: P.A. 92-728, eff. 1-1-03.)

(720 ILCS 5/Art. 16, Subdiv. 10 heading new)

SUBDIVISION 10. RETAIL THEFT

(720 ILCS 5/16-25 new)

Sec. 16-25. Retail theft.

(a) A person commits retail theft when he or she knowingly:

(1) 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 with the intention of retaining such merchandise or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise; or

1 (2) Alters, transfers, or removes any label, price tag,
2 marking, indicia of value or any other markings which aid
3 in determining value affixed to any merchandise displayed,
4 held, stored or offered for sale in a retail mercantile
5 establishment and attempts to purchase such merchandise at
6 less than the full retail value with the intention of
7 depriving the merchant of the full retail value of such
8 merchandise; or

9 (3) Transfers any merchandise displayed, held, stored
10 or offered for sale in a retail mercantile establishment
11 from the container in or on which such merchandise is
12 displayed to any other container with the intention of
13 depriving the merchant of the full retail value of such
14 merchandise; or

15 (4) Under-rings with the intention of depriving the
16 merchant of the full retail value of the merchandise; or

17 (5) Removes a shopping cart from the premises of a
18 retail mercantile establishment without the consent of the
19 merchant given at the time of such removal with the
20 intention of depriving the merchant permanently of the
21 possession, use or benefit of such cart; or

22 (6) Represents to a merchant that he, she, or another
23 is the lawful owner of property, knowing that such
24 representation is false, and conveys or attempts to convey
25 that property to a merchant who is the owner of the
26 property in exchange for money, merchandise credit or other

1 property of the merchant; or

2 (7) Uses or possesses any theft detection shielding
3 device or theft detection device remover with the intention
4 of using such device to deprive the merchant permanently of
5 the possession, use or benefit of any merchandise
6 displayed, held, stored or offered for sale in a retail
7 mercantile establishment without paying the full retail
8 value of such merchandise; or

9 (8) Obtains or exerts unauthorized control over
10 property of the owner and thereby intends to deprive the
11 owner permanently of the use or benefit of the property
12 when a lessee of the personal property of another fails to
13 return it to the owner, or if the lessee fails to pay the
14 full retail value of such property to the lessor in
15 satisfaction of any contractual provision requiring such,
16 within 10 days after written demand from the owner for its
17 return. A notice in writing, given after the expiration of
18 the leasing agreement, by registered mail, to the lessee at
19 the address given by the lessee and shown on the leasing
20 agreement shall constitute proper demand.

21 (b) Theft by emergency exit. A person commits theft by
22 emergency exit when he or she commits a retail theft as defined
23 in subdivisions (a)(1) through (a)(8) of this Section and to
24 facilitate the theft he or she leaves the retail mercantile
25 establishment by use of a designated emergency exit.

26 (c) Permissive inference. If any person:

1 (1) conceals upon his or her person or among his or her
2 belongings unpurchased merchandise displayed, held, stored
3 or offered for sale in a retail mercantile establishment;
4 and

5 (2) removes that merchandise beyond the last known
6 station for receiving payments for that merchandise in that
7 retail mercantile establishment,
8 then the trier of fact may infer that the person possessed,
9 carried away or transferred such merchandise with the intention
10 of retaining it or with the intention of depriving the merchant
11 permanently of the possession, use or benefit of such
12 merchandise without paying the full retail value of such
13 merchandise.

14 To "conceal" merchandise means that, although there may be
15 some notice of its presence, that merchandise is not visible
16 through ordinary observation.

17 (d) Venue. Multiple thefts committed by the same person as
18 part of a continuing course of conduct in different
19 jurisdictions that have been aggregated in one jurisdiction may
20 be prosecuted in any jurisdiction in which one or more of the
21 thefts occurred.

22 (e) For the purposes of this Section, "theft detection
23 shielding device" means any laminated or coated bag or device
24 designed and intended to shield merchandise from detection by
25 an electronic or magnetic theft alarm sensor.

26 (f) Sentence.

1 (1) A violation of any of subdivisions (a)(1) through
2 (a)(6) and (a)(8) of this Section, the full retail value of
3 which does not exceed \$300 for property other than motor
4 fuel or \$150 for motor fuel, is a Class A misdemeanor. A
5 violation of subdivision (a)(7) of this Section is a Class
6 A misdemeanor for a first offense and a Class 4 felony for
7 a second or subsequent offense. Theft by emergency exit of
8 property, the full retail value of which does not exceed
9 \$300, is a Class 4 felony.

10 (2) A person who has been convicted of retail theft of
11 property under any of subdivisions (a)(1) through (a)(6)
12 and (a)(8) of this Section, the full retail value of which
13 does not exceed \$300 for property other than motor fuel or
14 \$150 for motor fuel, and who has been previously convicted
15 of any type of theft, robbery, armed robbery, burglary,
16 residential burglary, possession of burglary tools, home
17 invasion, unlawful use of a credit card, or forgery is
18 guilty of a Class 4 felony. A person who has been convicted
19 of theft by emergency exit of property, the full retail
20 value of which does not exceed \$300, and who has been
21 previously convicted of any type of theft, robbery, armed
22 robbery, burglary, residential burglary, possession of
23 burglary tools, home invasion, unlawful use of a credit
24 card, or forgery is guilty of a Class 3 felony.

25 (3) Any retail theft of property under any of
26 subdivisions (a)(1) through (a)(6) and (a)(8) of this

1 Section, the full retail value of which exceeds \$300 for
2 property other than motor fuel or \$150 for motor fuel in a
3 single transaction, or in separate transactions committed
4 by the same person as part of a continuing course of
5 conduct from one or more mercantile establishments over a
6 period of one year, is a Class 3 felony. Theft by emergency
7 exit of property, the full retail value of which exceeds
8 \$300 in a single transaction, or in separate transactions
9 committed by the same person as part of a continuing course
10 of conduct from one or more mercantile establishments over
11 a period of one year, is a Class 2 felony. When a charge of
12 retail theft of property or theft by emergency exit of
13 property, the full value of which exceeds \$300, is brought,
14 the value of the property involved is an element of the
15 offense to be resolved by the trier of fact as either
16 exceeding or not exceeding \$300.

17 (720 ILCS 5/16-26 new)

18 Sec. 16-26. Detention; affirmative defense.

19 (a) Detention. Any merchant who has reasonable grounds to
20 believe that a person has committed retail theft may detain the
21 person, on or off the premises of a retail mercantile
22 establishment, in a reasonable manner and for a reasonable
23 length of time for all or any of the following purposes:

24 (1) To request identification;

25 (2) To verify such identification;

1 (3) To make reasonable inquiry as to whether such
2 person has in his possession unpurchased merchandise and to
3 make reasonable investigation of the ownership of such
4 merchandise;

5 (4) To inform a peace officer of the detention of the
6 person and surrender that person to the custody of a peace
7 officer;

8 (5) In the case of a minor, to immediately make a
9 reasonable attempt to inform the parents, guardian or other
10 private person interested in the welfare of that minor and,
11 at the merchant's discretion, a peace officer, of this
12 detention and to surrender custody of such minor to such
13 person.

14 A merchant may make a detention as permitted in this
15 Section off the premises of a retail mercantile establishment
16 only if such detention is pursuant to an immediate pursuit of
17 such person.

18 A merchant shall be deemed to have reasonable grounds to
19 make a detention for the purposes of this Section if the
20 merchant detains a person because such person has in his or her
21 possession either a theft detection shielding device or a theft
22 detection device remover.

23 (b) Affirmative defense. A detention as permitted in this
24 Section does not constitute an arrest or an unlawful restraint,
25 as defined in Section 10-3 of this Code, nor shall it render
26 the merchant liable to the person so detained.

1 (c) For the purposes of this Section, "minor" means a
2 person who is less than 19 years of age, is unemancipated, and
3 resides with his or her parent or parents or legal guardian.

4 (720 ILCS 5/16-27 new)

5 Sec. 16-27. Civil liability.

6 (a) A person who commits the offense of retail theft as
7 defined in subdivision (a)(1), (a)(2), (a)(3), or (a)(8) of
8 Section 16-25 shall be civilly liable to the merchant of the
9 merchandise in an amount consisting of:

10 (i) actual damages equal to the full retail value of
11 the merchandise; plus

12 (ii) an amount not less than \$100 nor more than \$1,000;
13 plus

14 (iii) attorney's fees and court costs.

15 (b) If a minor commits the offense of retail theft, the
16 parents or guardian of the minor shall be civilly liable as
17 provided in this Section; however, a guardian appointed
18 pursuant to the Juvenile Court Act of 1987 shall not be liable
19 under this Section. Total recovery under this Section shall not
20 exceed the maximum recovery permitted under Section 5 of the
21 Parental Responsibility Law. For the purposes of this Section,
22 "minor" means a person who is less than 19 years of age, is
23 unemancipated, and resides with his or her parent or parents or
24 legal guardian.

25 (c) A conviction or a plea of guilty to the offense of

1 retail theft is not a prerequisite to the bringing of a civil
2 suit under this Section.

3 (d) Judgments arising under this Section may be assigned.

4 (720 ILCS 5/16-28 new)

5 Sec. 16-28. Delivery container theft.

6 (a) A person commits delivery container theft when he or
7 she knowingly does any of the following:

8 (1) Uses for any purpose, when not on the premises of
9 the owner or an adjacent parking area, a delivery container
10 of another person which is marked by a name or mark unless
11 the use is authorized by the owner.

12 (2) Sells, or offers for sale, a delivery container of
13 another person which is marked by a name or mark unless the
14 sale is authorized by the owner.

15 (3) Defaces, obliterates, destroys, covers up or
16 otherwise removes or conceals a name or mark on a delivery
17 container of another person without the written consent of
18 the owner.

19 (4) Removes the delivery container of another person
20 from the premises, parking area or any other area under the
21 control of any processor, distributor or retail
22 establishment, or from any delivery vehicle, without the
23 consent of the owner of the delivery container. If a person
24 possesses any marked or named delivery container without
25 the consent of the owner and while not on the premises,

1 parking area or other area under control of a processor,
2 distributor or retail establishment doing business with
3 the owner, the trier of fact may infer that the person
4 removed the delivery container in violation of this
5 paragraph.

6 (b) Any common carrier or private carrier for hire, except
7 those engaged in transporting bakery or dairy products to and
8 from the places where they are produced, that receives or
9 transports any delivery container marked with a name or mark
10 without having in its possession a bill of lading or invoice
11 for that delivery container commits the offense of delivery
12 container theft.

13 (c) Sentence. Delivery container theft is a Class B
14 misdemeanor. An offender may be sentenced to pay a fine of \$150
15 for the first offense and \$500 for a second or subsequent
16 offense.

17 (720 ILCS 5/Art. 16, Subdiv. 15 heading new)

18 SUBDIVISION 15. IDENTITY THEFT

19 (720 ILCS 5/16-30 new)

20 Sec. 16-30. Identity theft; aggravated identity theft.

21 (a) A person commits identity theft when he or she
22 knowingly:

23 (1) uses any personal identifying information or
24 personal identification document of another person to

1 fraudulently obtain credit, money, goods, services, or
2 other property; or

3 (2) uses any personal identification information or
4 personal identification document of another with intent to
5 commit any felony not set forth in paragraph (1) of this
6 subsection (a); or

7 (3) obtains, records, possesses, sells, transfers,
8 purchases, or manufactures any personal identification
9 information or personal identification document of another
10 with intent to commit any felony; or

11 (4) uses, obtains, records, possesses, sells,
12 transfers, purchases, or manufactures any personal
13 identification information or personal identification
14 document of another knowing that such personal
15 identification information or personal identification
16 documents were stolen or produced without lawful
17 authority; or

18 (5) uses, transfers, or possesses document-making
19 implements to produce false identification or false
20 documents with knowledge that they will be used by the
21 person or another to commit any felony; or

22 (6) uses any personal identification information or
23 personal identification document of another to portray
24 himself or herself as that person, or otherwise, for the
25 purpose of gaining access to any personal identification
26 information or personal identification document of that

1 person, without the prior express permission of that
2 person; or

3 (7) uses any personal identification information or
4 personal identification document of another for the
5 purpose of gaining access to any record of the actions
6 taken, communications made or received, or other
7 activities or transactions of that person, without the
8 prior express permission of that person; or

9 (8) in the course of applying for a building permit
10 with a unit of local government, provides the license
11 number of a roofing or fire sprinkler contractor whom he or
12 she does not intend to have perform the work on the roofing
13 or fire sprinkler portion of the project; it is an
14 affirmative defense to prosecution under this paragraph
15 (8) that the building permit applicant promptly informed
16 the unit of local government that issued the building
17 permit of any change in the roofing or fire sprinkler
18 contractor.

19 (b) Aggravated identity theft. A person commits aggravated
20 identity theft when he or she commits identity theft as set
21 forth in subsection (a) of this Section:

22 (1) against a person 60 years of age or older or a
23 person with a disability; or

24 (2) in furtherance of the activities of an organized
25 gang.

26 A defense to aggravated identity theft does not exist

1 merely because the accused reasonably believed the victim to be
2 a person less than 60 years of age. For the purposes of this
3 subsection, "organized gang" has the meaning ascribed in
4 Section 10 of the Illinois Streetgang Terrorism Omnibus
5 Prevention Act.

6 (c) Knowledge shall be determined by an evaluation of all
7 circumstances surrounding the use of the other person's
8 identifying information or document.

9 (d) When a charge of identity theft or aggravated identity
10 theft of credit, money, goods, services, or other property
11 exceeding a specified value is brought, the value of the
12 credit, money, goods, services, or other property is an element
13 of the offense to be resolved by the trier of fact as either
14 exceeding or not exceeding the specified value.

15 (e) Sentence.

16 (1) Identity theft.

17 (A) A person convicted of identity theft in
18 violation of paragraph (1) of subsection (a) shall be
19 sentenced as follows:

20 (i) Identity theft of credit, money, goods,
21 services, or other property not exceeding \$300 in
22 value is a Class 4 felony. A person who has been
23 previously convicted of identity theft of less
24 than \$300 who is convicted of a second or
25 subsequent offense of identity theft of less than
26 \$300 is guilty of a Class 3 felony. A person who

1 has been convicted of identity theft of less than
2 \$300 who has been previously convicted of any type
3 of theft, robbery, armed robbery, burglary,
4 residential burglary, possession of burglary
5 tools, home invasion, home repair fraud,
6 aggravated home repair fraud, or financial
7 exploitation of an elderly or disabled person is
8 guilty of a Class 3 felony. Identity theft of
9 credit, money, goods, services, or other property
10 not exceeding \$300 in value when the victim of the
11 identity theft is an active duty member of the
12 Armed Services or Reserve Forces of the United
13 States or of the Illinois National Guard serving in
14 a foreign country is a Class 3 felony. A person who
15 has been previously convicted of identity theft of
16 less than \$300 who is convicted of a second or
17 subsequent offense of identity theft of less than
18 \$300 when the victim of the identity theft is an
19 active duty member of the Armed Services or Reserve
20 Forces of the United States or of the Illinois
21 National Guard serving in a foreign country is
22 guilty of a Class 2 felony. A person who has been
23 convicted of identity theft of less than \$300 when
24 the victim of the identity theft is an active duty
25 member of the Armed Services or Reserve Forces of
26 the United States or of the Illinois National Guard

1 serving in a foreign country who has been
2 previously convicted of any type of theft,
3 robbery, armed robbery, burglary, residential
4 burglary, possession of burglary tools, home
5 invasion, home repair fraud, aggravated home
6 repair fraud, or financial exploitation of an
7 elderly or disabled person is guilty of a Class 2
8 felony.

9 (ii) Identity theft of credit, money, goods,
10 services, or other property exceeding \$300 and not
11 exceeding \$2,000 in value is a Class 3 felony.
12 Identity theft of credit, money, goods, services,
13 or other property exceeding \$300 and not exceeding
14 \$2,000 in value when the victim of the identity
15 theft is an active duty member of the Armed
16 Services or Reserve Forces of the United States or
17 of the Illinois National Guard serving in a foreign
18 country is a Class 2 felony.

19 (iii) Identity theft of credit, money, goods,
20 services, or other property exceeding \$2,000 and
21 not exceeding \$10,000 in value is a Class 2 felony.
22 Identity theft of credit, money, goods, services,
23 or other property exceeding \$2,000 and not
24 exceeding \$10,000 in value when the victim of the
25 identity theft is an active duty member of the
26 Armed Services or Reserve Forces of the United

1 States or of the Illinois National Guard serving in
2 a foreign country is a Class 1 felony.

3 (iv) Identity theft of credit, money, goods,
4 services, or other property exceeding \$10,000 and
5 not exceeding \$100,000 in value is a Class 1
6 felony. Identity theft of credit, money, goods,
7 services, or other property exceeding \$10,000 and
8 not exceeding \$100,000 in value when the victim of
9 the identity theft is an active duty member of the
10 Armed Services or Reserve Forces of the United
11 States or of the Illinois National Guard serving in
12 a foreign country is a Class X felony.

13 (v) Identity theft of credit, money, goods,
14 services, or other property exceeding \$100,000 in
15 value is a Class X felony.

16 (B) A person convicted of any offense enumerated in
17 paragraphs (2) through (7) of subsection (a) is guilty
18 of a Class 3 felony. A person convicted of any offense
19 enumerated in paragraphs (2) through (7) of subsection
20 (a) when the victim of the identity theft is an active
21 duty member of the Armed Services or Reserve Forces of
22 the United States or of the Illinois National Guard
23 serving in a foreign country is guilty of a Class 2
24 felony.

25 (C) A person convicted of any offense enumerated in
26 paragraphs (2) through (5) of subsection (a) a second

1 or subsequent time is guilty of a Class 2 felony. A
2 person convicted of any offense enumerated in
3 paragraphs (2) through (5) of subsection (a) a second
4 or subsequent time when the victim of the identity
5 theft is an active duty member of the Armed Services or
6 Reserve Forces of the United States or of the Illinois
7 National Guard serving in a foreign country is guilty
8 of a Class 1 felony.

9 (D) A person who, within a 12-month period, is
10 found in violation of any offense enumerated in
11 paragraphs (2) through (7) of subsection (a) with
12 respect to the identifiers of, or other information
13 relating to, 3 or more separate individuals, at the
14 same time or consecutively, is guilty of a Class 2
15 felony. A person who, within a 12-month period, is
16 found in violation of any offense enumerated in
17 paragraphs (2) through (7) of subsection (a) with
18 respect to the identifiers of, or other information
19 relating to, 3 or more separate individuals, at the
20 same time or consecutively, when the victim of the
21 identity theft is an active duty member of the Armed
22 Services or Reserve Forces of the United States or of
23 the Illinois National Guard serving in a foreign
24 country is guilty of a Class 1 felony.

25 (E) A person convicted of identity theft in
26 violation of paragraph (2) of subsection (a) who uses

1 any personal identification information or personal
2 identification document of another to purchase
3 methamphetamine manufacturing material as defined in
4 Section 10 of the Methamphetamine Control and
5 Community Protection Act with the intent to unlawfully
6 manufacture methamphetamine is guilty of a Class 2
7 felony for a first offense and a Class 1 felony for a
8 second or subsequent offense. A person convicted of
9 identity theft in violation of paragraph (2) of
10 subsection (a) who uses any personal identification
11 information or personal identification document of
12 another to purchase methamphetamine manufacturing
13 material as defined in Section 10 of the
14 Methamphetamine Control and Community Protection Act
15 with the intent to unlawfully manufacture
16 methamphetamine when the victim of the identity theft
17 is an active duty member of the Armed Services or
18 Reserve Forces of the United States or of the Illinois
19 National Guard serving in a foreign country is guilty
20 of a Class 1 felony for a first offense and a Class X
21 felony for a second or subsequent offense.

22 (F) A person convicted of identity theft in
23 violation of paragraph (8) of subsection (a) of this
24 Section is guilty of a Class 4 felony.

25 (2) Aggravated identity theft.

26 (A) Aggravated identity theft of credit, money,

1 goods, services, or other property not exceeding \$300
2 in value is a Class 3 felony.

3 (B) Aggravated identity theft of credit, money,
4 goods, services, or other property exceeding \$300 and
5 not exceeding \$10,000 in value is a Class 2 felony.

6 (C) Aggravated identity theft of credit, money,
7 goods, services, or other property exceeding \$10,000
8 in value and not exceeding \$100,000 in value is a Class
9 1 felony.

10 (D) Aggravated identity theft of credit, money,
11 goods, services, or other property exceeding \$100,000
12 in value is a Class X felony.

13 (E) Aggravated identity theft for a violation of
14 any offense enumerated in paragraphs (2) through (7) of
15 subsection (a) of this Section is a Class 2 felony.

16 (F) Aggravated identity theft when a person who,
17 within a 12-month period, is found in violation of any
18 offense enumerated in paragraphs (2) through (7) of
19 subsection (a) of this Section with identifiers of, or
20 other information relating to, 3 or more separate
21 individuals, at the same time or consecutively, is a
22 Class 1 felony.

23 (G) A person who has been previously convicted of
24 aggravated identity theft regardless of the value of
25 the property involved who is convicted of a second or
26 subsequent offense of aggravated identity theft

1 regardless of the value of the property involved is
2 guilty of a Class X felony.

3 (720 ILCS 5/16-31 new)

4 Sec. 16-31. Transmission of personal identifying
5 information.

6 (a) A person commits transmission of personal identifying
7 information if he or she is not a party to a transaction that
8 involves the use of a financial transaction device and
9 knowingly: (i) secretly or surreptitiously photographs, or
10 otherwise captures or records, electronically or by any other
11 means, personal identifying information from the transaction
12 without the consent of the person whose information is
13 photographed or otherwise captured, recorded, distributed,
14 disseminated, or transmitted, or (ii) distributes,
15 disseminates, or transmits, electronically or by any other
16 means, personal identifying information from the transaction
17 without the consent of the person whose information is
18 photographed, or otherwise captured, recorded, distributed,
19 disseminated, or transmitted.

20 (b) This Section does not:

21 (1) prohibit the capture or transmission of personal
22 identifying information in the ordinary and lawful course
23 of business;

24 (2) apply to a peace officer of this State, or of the
25 federal government, or the officer's agent, while in the

1 lawful performance of the officer's duties;

2 (3) prohibit a person from being charged with,
3 convicted of, or punished for any other violation of law
4 committed by that person while violating or attempting to
5 violate this Section.

6 (c) Sentence. A person who violates this Section is guilty
7 of a Class A misdemeanor.

8 (720 ILCS 5/16-32 new)

9 Sec. 16-32. Facilitating identity theft.

10 (a) A person commits facilitating identity theft when he or
11 she, in the course of his or her employment or official duties,
12 has access to the personal information of another person in the
13 possession of the State of Illinois, whether written, recorded,
14 or on computer disk, and knowingly, with the intent of
15 committing identity theft, aggravated identity theft, or any
16 violation of the Illinois Financial Crime Law, disposes of that
17 written, recorded, or computerized information in any
18 receptacle, trash can, or other container that the public could
19 gain access to, without shredding that information, destroying
20 the recording, or wiping the computer disk so that the
21 information is either unintelligible or destroyed.

22 (b) Sentence. Facilitating identity theft is a Class A
23 misdemeanor for a first offense and a Class 4 felony for a
24 second or subsequent offense.

25 (c) For purposes of this Section, "personal information"

1 has the meaning provided in the Personal Information Protection
2 Act.

3 (720 ILCS 5/16-33 new)

4 Sec. 16-33. Civil remedies. A person who is convicted of
5 facilitating identity theft, identity theft, or aggravated
6 identity theft is liable in a civil action to the person who
7 suffered damages as a result of the violation. The person
8 suffering damages may recover court costs, attorney's fees,
9 lost wages, and actual damages. Where a person has been
10 convicted of identity theft in violation of subdivision (a)(6)
11 or subdivision (a)(7) of Section 16-30, in the absence of proof
12 of actual damages, the person whose personal identification
13 information or personal identification documents were used in
14 the violation in question may recover damages of \$2,000.

15 (720 ILCS 5/16-34 new)

16 Sec. 16-34. Offender's interest in the property; consent.

17 (a) It is no defense to a charge of aggravated identity
18 theft or identity theft that the offender has an interest in
19 the credit, money, goods, services, or other property.

20 (b) It is no defense to a charge of aggravated identity
21 theft or identity theft that the offender received the consent
22 of any person to access any personal identification information
23 or personal identification document, other than the person
24 described by the personal identification information or

1 personal identification document used by the offender.

2 (720 ILCS 5/16-35 new)

3 Sec. 16-35. Mandating law enforcement agencies to accept
4 and provide reports; judicial factual determination.

5 (a) A person who has learned or reasonably suspects that
6 his or her personal identifying information has been unlawfully
7 used by another may initiate a law enforcement investigation by
8 contacting the local law enforcement agency that has
9 jurisdiction over his or her actual residence, which shall take
10 a police report of the matter, provide the complainant with a
11 copy of that report, and begin an investigation of the facts,
12 or, if the suspected crime was committed in a different
13 jurisdiction, refer the matter to the law enforcement agency
14 where the suspected crime was committed for an investigation of
15 the facts.

16 (b) A person who reasonably believes that he or she is the
17 victim of financial identity theft may petition a court, or
18 upon application of the prosecuting attorney or on its own
19 motion, the court may move for an expedited judicial
20 determination of his or her factual innocence, where the
21 perpetrator of the financial identity theft was arrested for,
22 cited for, or convicted of a crime under the victim's identity,
23 or where a criminal complaint has been filed against the
24 perpetrator in the victim's name, or where the victim's
25 identity has been mistakenly associated with a criminal

1 conviction. Any judicial determination of factual innocence
2 made pursuant to this subsection may be heard and determined
3 upon declarations, affidavits, police reports, or other
4 material, relevant, and reliable information submitted by the
5 parties or ordered to be part of the record by the court. If
6 the court determines that the petition or motion is meritorious
7 and that there is no reasonable cause to believe that the
8 victim committed the offense for which the perpetrator of the
9 identity theft was arrested, cited, convicted, or subject to a
10 criminal complaint in the victim's name, or that the victim's
11 identity has been mistakenly associated with a record of
12 criminal conviction, the court shall find the victim factually
13 innocent of that offense. If the victim is found factually
14 innocent, the court shall issue an order certifying this
15 determination.

16 (c) After a court has issued a determination of factual
17 innocence under this Section, the court may order the name and
18 associated personal identifying information contained in the
19 court records, files, and indexes accessible by the public
20 sealed, deleted, or labeled to show that the data is
21 impersonated and does not reflect the defendant's identity.

22 (d) A court that has issued a determination of factual
23 innocence under this Section may at any time vacate that
24 determination if the petition, or any information submitted in
25 support of the petition, is found to contain any material
26 misrepresentation or fraud.

1 (e) Except for criminal and civil actions provided for by
2 Sections 16-30 through 16-36, or for disciplinary or
3 licensure-related proceedings involving the violation of
4 Sections 16-30 through 16-36, no information acquired by, or as
5 a result of, any violation of Section 16-30 shall be
6 discoverable or admissible in any court or other proceeding, or
7 otherwise subject to disclosure without the express permission
8 of any person or persons identified in that information.

9 (720 ILCS 5/16-36 new)

10 Sec. 16-36. Venue. In addition to any other venues provided
11 for by statute or otherwise, venue for any criminal prosecution
12 or civil recovery action under Sections 16-30 through 16-36
13 shall be proper in any county where the person described in the
14 personal identification information or personal identification
15 document in question resides or has his or her principal place
16 of business. Where a criminal prosecution or civil recovery
17 action under Sections 16-30 through 16-36 involves the personal
18 identification information or personal identification
19 documents of more than one person, venue shall be proper in any
20 county where one or more of the persons described in the
21 personal identification information or personal identification
22 documents in question resides or has his or her principal place
23 of business.

24 (720 ILCS 5/16-37 new)

1 Sec. 16-37. Exemptions; relation to other laws.

2 (a) Sections 16-30 through 16-36 do not:

3 (1) prohibit the capture or transmission of personal
4 identifying information in the ordinary and lawful course
5 of business;

6 (2) apply to a peace officer of this State, or of the
7 federal government, or the officer's agent, while in the
8 lawful performance of the officer's duties;

9 (3) prohibit a licensed private detective or licensed
10 private detective agency from representing himself,
11 herself, or itself as another person, provided that he,
12 she, or it may not portray himself, herself, or itself as
13 the person whose information he, she, or it is seeking
14 except as provided under Sections 16-30 through 16-36;

15 (4) apply to activities authorized under any other
16 statute.

17 (b) No criminal prosecution or civil action brought under
18 Sections 16-30 through 16-36 shall prohibit a person from being
19 charged with, convicted of, or punished for any other violation
20 of law committed by that person while violating or attempting
21 to violate Sections 16-30 through 16-36.

22 (720 ILCS 5/Art. 16, Subdiv. 20 heading new)

23 SUBDIVISION 20. MISCELLANEOUS THEFT-RELATED OFFENSES

24 (720 ILCS 5/16-40 new)

1 Sec. 16-40. Internet offenses.

2 (a) Online sale of stolen property. A person commits online
3 sale of stolen property when he or she uses or accesses the
4 Internet with the intent of selling property gained through
5 unlawful means.

6 (b) Online theft by deception. A person commits online
7 theft by deception when he or she uses the Internet to purchase
8 or attempt to purchase property from a seller with a mode of
9 payment that he or she knows is fictitious, stolen, or lacking
10 the consent of the valid account holder.

11 (c) Electronic fencing. A person commits electronic
12 fencing when he or she sells stolen property using the
13 Internet, knowing that the property was stolen. A person who
14 unknowingly purchases stolen property over the Internet does
15 not violate this Section.

16 (d) Sentence. A violation of this Section is a Class 4
17 felony if the full retail value of the stolen property or
18 property obtained by deception does not exceed \$300. A
19 violation of this Section is a Class 2 felony if the full
20 retail value of the stolen property or property obtained by
21 deception exceeds \$300.

22 (720 ILCS 5/17-0.5)

23 (This Section may contain text from a Public Act with a
24 delayed effective date)

25 Sec. 17-0.5. Definitions. In this Article:

1 "Altered credit card or debit card" means any instrument or
2 device, whether known as a credit card or debit card, which has
3 been changed in any respect by addition or deletion of any
4 material, except for the signature by the person to whom the
5 card is issued.

6 "Cardholder" means the person or organization named on the
7 face of a credit card or debit card to whom or for whose
8 benefit the credit card or debit card is issued by an issuer.

9 "Computer" means a device that accepts, processes, stores,
10 retrieves, or outputs data and includes, but is not limited to,
11 auxiliary storage and telecommunications devices connected to
12 computers.

13 "Computer network" means a set of related, remotely
14 connected devices and any communications facilities including
15 more than one computer with the capability to transmit data
16 between them through the communications facilities.

17 "Computer program" or "program" means a series of coded
18 instructions or statements in a form acceptable to a computer
19 which causes the computer to process data and supply the
20 results of the data processing.

21 "Computer services" means computer time or services,
22 including data processing services, Internet services,
23 electronic mail services, electronic message services, or
24 information or data stored in connection therewith.

25 "Counterfeit" means to manufacture, produce or create, by
26 any means, a credit card or debit card without the purported

1 issuer's consent or authorization.

2 "Credit card" means any instrument or device, whether known
3 as a credit card, credit plate, charge plate or any other name,
4 issued with or without fee by an issuer for the use of the
5 cardholder in obtaining money, goods, services or anything else
6 of value on credit or in consideration or an undertaking or
7 guaranty by the issuer of the payment of a check drawn by the
8 cardholder.

9 "Data" means a representation in any form of information,
10 knowledge, facts, concepts, or instructions, including program
11 documentation, which is prepared or has been prepared in a
12 formalized manner and is stored or processed in or transmitted
13 by a computer or in a system or network. Data is considered
14 property and may be in any form, including, but not limited to,
15 printouts, magnetic or optical storage media, punch cards, or
16 data stored internally in the memory of the computer.

17 "Debit card" means any instrument or device, known by any
18 name, issued with or without fee by an issuer for the use of
19 the cardholder in obtaining money, goods, services, and
20 anything else of value, payment of which is made against funds
21 previously deposited by the cardholder. A debit card which also
22 can be used to obtain money, goods, services and anything else
23 of value on credit shall not be considered a debit card when it
24 is being used to obtain money, goods, services or anything else
25 of value on credit.

26 "Document" includes, but is not limited to, any document,

1 representation, or image produced manually, electronically, or
2 by computer.

3 "Electronic fund transfer terminal" means any machine or
4 device that, when properly activated, will perform any of the
5 following services:

6 (1) Dispense money as a debit to the cardholder's
7 account; or

8 (2) Print the cardholder's account balances on a
9 statement; or

10 (3) Transfer funds between a cardholder's accounts; or

11 (4) Accept payments on a cardholder's loan; or

12 (5) Dispense cash advances on an open end credit or a
13 revolving charge agreement; or

14 (6) Accept deposits to a customer's account; or

15 (7) Receive inquiries of verification of checks and
16 dispense information that verifies that funds are
17 available to cover such checks; or

18 (8) Cause money to be transferred electronically from a
19 cardholder's account to an account held by any business,
20 firm, retail merchant, corporation, or any other
21 organization.

22 "Electronic funds transfer system", hereafter referred to
23 as "EFT System", means that system whereby funds are
24 transferred electronically from a cardholder's account to any
25 other account.

26 "Electronic mail service provider" means any person who (i)

1 is an intermediary in sending or receiving electronic mail and
2 (ii) provides to end-users of electronic mail services the
3 ability to send or receive electronic mail.

4 "Expired credit card or debit card" means a credit card or
5 debit card which is no longer valid because the term on it has
6 elapsed.

7 "False academic degree" means a certificate, diploma,
8 transcript, or other document purporting to be issued by an
9 institution of higher learning or purporting to indicate that a
10 person has completed an organized academic program of study at
11 an institution of higher learning when the person has not
12 completed the organized academic program of study indicated on
13 the certificate, diploma, transcript, or other document.

14 "False claim" means any statement made to any insurer,
15 purported insurer, servicing corporation, insurance broker, or
16 insurance agent, or any agent or employee of one of those
17 entities, and made as part of, or in support of, a claim for
18 payment or other benefit under a policy of insurance, or as
19 part of, or in support of, an application for the issuance of,
20 or the rating of, any insurance policy, when the statement does
21 any of the following:

22 (1) Contains any false, incomplete, or misleading
23 information concerning any fact or thing material to the
24 claim.

25 (2) Conceals (i) the occurrence of an event that is
26 material to any person's initial or continued right or

1 entitlement to any insurance benefit or payment or (ii) the
2 amount of any benefit or payment to which the person is
3 entitled.

4 "Financial institution" means any bank, savings and loan
5 association, credit union, or other depository of money or
6 medium of savings and collective investment.

7 "Governmental entity" means: each officer, board,
8 commission, and agency created by the Constitution, whether in
9 the executive, legislative, or judicial branch of State
10 government; each officer, department, board, commission,
11 agency, institution, authority, university, and body politic
12 and corporate of the State; each administrative unit or
13 corporate outgrowth of State government that is created by or
14 pursuant to statute, including units of local government and
15 their officers, school districts, and boards of election
16 commissioners; and each administrative unit or corporate
17 outgrowth of the foregoing items and as may be created by
18 executive order of the Governor.

19 "Incomplete credit card or debit card" means a credit card
20 or debit card which is missing part of the matter other than
21 the signature of the cardholder which an issuer requires to
22 appear on the credit card or debit card before it can be used
23 by a cardholder, and this includes credit cards or debit cards
24 which have not been stamped, embossed, imprinted or written on.

25 "Institution of higher learning" means a public or private
26 college, university, or community college located in the State

1 of Illinois that is authorized by the Board of Higher Education
2 or the Illinois Community College Board to issue post-secondary
3 degrees, or a public or private college, university, or
4 community college located anywhere in the United States that is
5 or has been legally constituted to offer degrees and
6 instruction in its state of origin or incorporation.

7 "Insurance company" means "company" as defined under
8 Section 2 of the Illinois Insurance Code.

9 "Issuer" means the business organization or financial
10 institution which issues a credit card or debit card, or its
11 duly authorized agent.

12 "Merchant" has the meaning ascribed to it in Section 16-0.1
13 ~~16A-2.4~~ of this Code.

14 "Person" means any individual, corporation, government,
15 governmental subdivision or agency, business trust, estate,
16 trust, partnership or association or any other entity.

17 "Receives" or "receiving" means acquiring possession or
18 control.

19 "Record of charge form" means any document submitted or
20 intended to be submitted to an issuer as evidence of a credit
21 transaction for which the issuer has agreed to reimburse
22 persons providing money, goods, property, services or other
23 things of value.

24 "Revoked credit card or debit card" means a credit card or
25 debit card which is no longer valid because permission to use
26 it has been suspended or terminated by the issuer.

1 "Sale" means any delivery for value.

2 "Scheme or artifice to defraud" includes a scheme or
3 artifice to deprive another of the intangible right to honest
4 services.

5 "Self-insured entity" means any person, business,
6 partnership, corporation, or organization that sets aside
7 funds to meet his, her, or its losses or to absorb fluctuations
8 in the amount of loss, the losses being charged against the
9 funds set aside or accumulated.

10 "Social networking website" means an Internet website
11 containing profile web pages of the members of the website that
12 include the names or nicknames of such members, photographs
13 placed on the profile web pages by such members, or any other
14 personal or personally identifying information about such
15 members and links to other profile web pages on social
16 networking websites of friends or associates of such members
17 that can be accessed by other members or visitors to the
18 website. A social networking website provides members of or
19 visitors to such website the ability to leave messages or
20 comments on the profile web page that are visible to all or
21 some visitors to the profile web page and may also include a
22 form of electronic mail for members of the social networking
23 website.

24 "Statement" means any assertion, oral, written, or
25 otherwise, and includes, but is not limited to: any notice,
26 letter, or memorandum; proof of loss; bill of lading; receipt

1 for payment; invoice, account, or other financial statement;
2 estimate of property damage; bill for services; diagnosis or
3 prognosis; prescription; hospital, medical, or dental chart or
4 other record, x-ray, photograph, videotape, or movie film; test
5 result; other evidence of loss, injury, or expense;
6 computer-generated document; and data in any form.

7 "Universal Price Code Label" means a unique symbol that
8 consists of a machine-readable code and human-readable
9 numbers.

10 "With intent to defraud" means to act knowingly, and with
11 the specific intent to deceive or cheat, for the purpose of
12 causing financial loss to another or bringing some financial
13 gain to oneself, regardless of whether any person was actually
14 defrauded or deceived. This includes an intent to cause another
15 to assume, create, transfer, alter, or terminate any right,
16 obligation, or power with reference to any person or property.

17 (Source: P.A. 96-1551, eff. 7-1-11.)

18 (720 ILCS 5/17-2) (from Ch. 38, par. 17-2)

19 (Text of Section after amendment by P.A. 96-1551)

20 Sec. 17-2. False personation; solicitation.

21 (a) False personation; solicitation.

22 (1) A person commits a false personation when he or she
23 knowingly and falsely represents himself or herself to be a
24 member or representative of any veterans' or public safety
25 personnel organization or a representative of any

1 charitable organization, or when he or she knowingly
2 exhibits or uses in any manner any decal, badge or insignia
3 of any charitable, public safety personnel, or veterans'
4 organization when not authorized to do so by the
5 charitable, public safety personnel, or veterans'
6 organization. "Public safety personnel organization" has
7 the meaning ascribed to that term in Section 1 of the
8 Solicitation for Charity Act.

9 (2) A person commits a false personation when he or she
10 knowingly and falsely represents himself or herself to be a
11 veteran in seeking employment or public office. In this
12 paragraph, "veteran" means a person who has served in the
13 Armed Services or Reserve Forces of the United States.

14 (3) No person shall knowingly use the words "Police",
15 "Police Department", "Patrolman", "Sergeant",
16 "Lieutenant", "Peace Officer", "Sheriff's Police",
17 "Sheriff", "Officer", "Law Enforcement", "Trooper",
18 "Deputy", "Deputy Sheriff", "State Police", or any other
19 words to the same effect (i) in the title of any
20 organization, magazine, or other publication without the
21 express approval of the named public safety personnel
22 organization's governing board or (ii) in combination with
23 the name of any state, state agency, public university, or
24 unit of local government without the express written
25 authorization of that state, state agency, public
26 university, or unit of local government.

1 (4) No person may knowingly claim or represent that he
2 or she is acting on behalf of any public safety personnel
3 organization when soliciting financial contributions or
4 selling or delivering or offering to sell or deliver any
5 merchandise, goods, services, memberships, or
6 advertisements unless the chief of the police department,
7 fire department, and the corporate or municipal authority
8 thereof, or the sheriff has first entered into a written
9 agreement with the person or with an organization with
10 which the person is affiliated and the agreement permits
11 the activity and specifies and states clearly and fully the
12 purpose for which the proceeds of the solicitation,
13 contribution, or sale will be used.

14 (5) No person, when soliciting financial contributions
15 or selling or delivering or offering to sell or deliver any
16 merchandise, goods, services, memberships, or
17 advertisements may claim or represent that he or she is
18 representing or acting on behalf of any nongovernmental
19 organization by any name which includes "officer", "peace
20 officer", "police", "law enforcement", "trooper",
21 "sheriff", "deputy", "deputy sheriff", "State police", or
22 any other word or words which would reasonably be
23 understood to imply that the organization is composed of
24 law enforcement personnel unless:

25 (A) the person is actually representing or acting
26 on behalf of the nongovernmental organization;

1 (B) the nongovernmental organization is controlled
2 by and governed by a membership of and represents a
3 group or association of active duty peace officers,
4 retired peace officers, or injured peace officers; and

5 (C) before commencing the solicitation or the sale
6 or the offers to sell any merchandise, goods, services,
7 memberships, or advertisements, a written contract
8 between the soliciting or selling person and the
9 nongovernmental organization, which specifies and
10 states clearly and fully the purposes for which the
11 proceeds of the solicitation, contribution, or sale
12 will be used, has been entered into.

13 (6) No person, when soliciting financial contributions
14 or selling or delivering or offering to sell or deliver any
15 merchandise, goods, services, memberships, or
16 advertisements, may knowingly claim or represent that he or
17 she is representing or acting on behalf of any
18 nongovernmental organization by any name which includes
19 the term "fireman", "fire fighter", "paramedic", or any
20 other word or words which would reasonably be understood to
21 imply that the organization is composed of fire fighter or
22 paramedic personnel unless:

23 (A) the person is actually representing or acting
24 on behalf of the nongovernmental organization;

25 (B) the nongovernmental organization is controlled
26 by and governed by a membership of and represents a

1 group or association of active duty, retired, or
2 injured fire fighters (for the purposes of this
3 Section, "fire fighter" has the meaning ascribed to
4 that term in Section 2 of the Illinois Fire Protection
5 Training Act) or active duty, retired, or injured
6 emergency medical technicians - ambulance, emergency
7 medical technicians - intermediate, emergency medical
8 technicians - paramedic, ambulance drivers, or other
9 medical assistance or first aid personnel; and

10 (C) before commencing the solicitation or the sale
11 or delivery or the offers to sell or deliver any
12 merchandise, goods, services, memberships, or
13 advertisements, the soliciting or selling person and
14 the nongovernmental organization have entered into a
15 written contract that specifies and states clearly and
16 fully the purposes for which the proceeds of the
17 solicitation, contribution, or sale will be used.

18 (7) No person may knowingly claim or represent that he
19 or she is an airman, airline employee, airport employee, or
20 contractor at an airport in order to obtain the uniform,
21 identification card, license, or other identification
22 paraphernalia of an airman, airline employee, airport
23 employee, or contractor at an airport.

24 (8) No person, firm, copartnership, or corporation
25 (except corporations organized and doing business under
26 the Pawns Societies Act) shall knowingly use a name that

1 contains in it the words "Pawners' Society".

2 (b) False personation; judicial process. A person commits a
3 false personation if he or she knowingly and falsely represents
4 himself or herself to be any of the following:

5 (1) An attorney authorized to practice law for purposes
6 of compensation or consideration. This paragraph (b) (1)
7 does not apply to a person who unintentionally fails to pay
8 attorney registration fees established by Supreme Court
9 Rule.

10 (2) A public officer or a public employee or an
11 official or employee of the federal government.

12 (2.3) A public officer, a public employee, or an
13 official or employee of the federal government, and the
14 false representation is made in furtherance of the
15 commission of felony.

16 (2.7) A public officer or a public employee, and the
17 false representation is for the purpose of effectuating
18 identity theft as defined in Section 16-30 ~~16G-15~~ of this
19 Code.

20 (3) A peace officer.

21 (4) A peace officer while carrying a deadly weapon.

22 (5) A peace officer in attempting or committing a
23 felony.

24 (6) A peace officer in attempting or committing a
25 forcible felony.

26 (7) The parent, legal guardian, or other relation of a

1 minor child to any public official, public employee, or
2 elementary or secondary school employee or administrator.

3 (8) A fire fighter.

4 (9) A fire fighter while carrying a deadly weapon.

5 (10) A fire fighter in attempting or committing a
6 felony.

7 (11) An emergency management worker of any
8 jurisdiction in this State.

9 (12) An emergency management worker of any
10 jurisdiction in this State in attempting or committing a
11 felony. For the purposes of this subsection (b), "emergency
12 management worker" has the meaning provided under Section
13 2-6.6 of this Code.

14 (c) Fraudulent advertisement of a corporate name.

15 (1) A company, association, or individual commits
16 fraudulent advertisement of a corporate name if he, she, or
17 it, not being incorporated, puts forth a sign or
18 advertisement and assumes, for the purpose of soliciting
19 business, a corporate name.

20 (2) Nothing contained in this subsection (c) prohibits
21 a corporation, company, association, or person from using a
22 divisional designation or trade name in conjunction with
23 its corporate name or assumed name under Section 4.05 of
24 the Business Corporation Act of 1983 or, if it is a member
25 of a partnership or joint venture, from doing partnership
26 or joint venture business under the partnership or joint

1 venture name. The name under which the joint venture or
2 partnership does business may differ from the names of the
3 members. Business may not be conducted or transacted under
4 that joint venture or partnership name, however, unless all
5 provisions of the Assumed Business Name Act have been
6 complied with. Nothing in this subsection (c) permits a
7 foreign corporation to do business in this State without
8 complying with all Illinois laws regulating the doing of
9 business by foreign corporations. No foreign corporation
10 may conduct or transact business in this State as a member
11 of a partnership or joint venture that violates any
12 Illinois law regulating or pertaining to the doing of
13 business by foreign corporations in Illinois.

14 (3) The provisions of this subsection (c) do not apply
15 to limited partnerships formed under the Revised Uniform
16 Limited Partnership Act or under the Uniform Limited
17 Partnership Act (2001).

18 (d) False law enforcement badges.

19 (1) A person commits false law enforcement badges if he
20 or she knowingly produces, sells, or distributes a law
21 enforcement badge without the express written consent of
22 the law enforcement agency represented on the badge or, in
23 case of a reorganized or defunct law enforcement agency,
24 its successor law enforcement agency.

25 (2) It is a defense to false law enforcement badges
26 that the law enforcement badge is used or is intended to be

1 used exclusively: (i) as a memento or in a collection or
2 exhibit; (ii) for decorative purposes; or (iii) for a
3 dramatic presentation, such as a theatrical, film, or
4 television production.

5 (e) False medals.

6 (1) A person commits a false personation if he or she
7 knowingly and falsely represents himself or herself to be a
8 recipient of, or wears on his or her person, any of the
9 following medals if that medal was not awarded to that
10 person by the United States Government, irrespective of
11 branch of service: The Congressional Medal of Honor, The
12 Distinguished Service Cross, The Navy Cross, The Air Force
13 Cross, The Silver Star, The Bronze Star, or the Purple
14 Heart.

15 (2) It is a defense to a prosecution under paragraph
16 (e)(1) that the medal is used, or is intended to be used,
17 exclusively:

18 (A) for a dramatic presentation, such as a
19 theatrical, film, or television production, or a
20 historical re-enactment; or

21 (B) for a costume worn, or intended to be worn, by
22 a person under 18 years of age.

23 (f) Sentence.

24 (1) A violation of paragraph (a)(8) is a petty offense
25 subject to a fine of not less than \$5 nor more than \$100,
26 and the person, firm, copartnership, or corporation

1 commits an additional petty offense for each day he, she,
2 or it continues to commit the violation. A violation of
3 paragraph (c)(1) is a petty offense, and the company,
4 association, or person commits an additional petty offense
5 for each day he, she, or it continues to commit the
6 violation. A violation of subsection (e) is a petty offense
7 for which the offender shall be fined at least \$100 and not
8 more than \$200.

9 (2) A violation of paragraph (a)(1) or (a)(3) is a
10 Class C misdemeanor.

11 (3) A violation of paragraph (a)(2), (a)(7), (b)(2), or
12 (b)(7) or subsection (d) is a Class A misdemeanor. A second
13 or subsequent violation of subsection (d) is a Class 3
14 felony.

15 (4) A violation of paragraph (a)(4), (a)(5), (a)(6),
16 (b)(1), (b)(2.3), (b)(2.7), (b)(3), (b)(8), or (b)(11) is a
17 Class 4 felony.

18 (5) A violation of paragraph (b)(4), (b)(9), or (b)(12)
19 is a Class 3 felony.

20 (6) A violation of paragraph (b)(5) or (b)(10) is a
21 Class 2 felony.

22 (7) A violation of paragraph (b)(6) is a Class 1
23 felony.

24 (Source: P.A. 95-331, eff. 8-21-07; 96-328, eff. 8-11-09;
25 96-1551, eff. 7-1-11.)

1 (720 ILCS 5/24-3.8 new)

2 Sec. 24-3.8. Possession of a stolen firearm.

3 (a) A person commits possession of a stolen firearm when he
4 or she, not being entitled to the possession of a firearm,
5 possesses or delivers the firearm, knowing it to have been
6 stolen or converted. The trier of fact may infer that a person
7 who possesses a firearm with knowledge that its serial number
8 has been removed or altered has knowledge that the firearm is
9 stolen or converted.

10 (b) Possession of a stolen firearm is a Class 2 felony.

11 (720 ILCS 5/24-3.9 new)

12 Sec. 24-3.9. Aggravated possession of a stolen firearm.

13 (a) A person commits aggravated possession of a stolen
14 firearm when he or she:

15 (1) Not being entitled to the possession of not less
16 than 2 and not more than 5 firearms, possesses or delivers
17 those firearms at the same time or within a one-year
18 period, knowing the firearms to have been stolen or
19 converted.

20 (2) Not being entitled to the possession of not less
21 than 6 and not more than 10 firearms, possesses or delivers
22 those firearms at the same time or within a 2-year period,
23 knowing the firearms to have been stolen or converted.

24 (3) Not being entitled to the possession of not less
25 than 11 and not more than 20 firearms, possesses or

1 delivers those firearms at the same time or within a 3-year
2 period, knowing the firearms to have been stolen or
3 converted.

4 (4) Not being entitled to the possession of not less
5 than 21 and not more than 30 firearms, possesses or
6 delivers those firearms at the same time or within a 4-year
7 period, knowing the firearms to have been stolen or
8 converted.

9 (5) Not being entitled to the possession of more than
10 30 firearms, possesses or delivers those firearms at the
11 same time or within a 5-year period, knowing the firearms
12 to have been stolen or converted.

13 (b) The trier of fact may infer that a person who possesses
14 a firearm with knowledge that its serial number has been
15 removed or altered has knowledge that the firearm is stolen or
16 converted.

17 (c) Sentence.

18 (1) A person who violates paragraph (1) of subsection
19 (a) of this Section commits a Class 1 felony.

20 (2) A person who violates paragraph (2) of subsection
21 (a) of this Section commits a Class X felony for which he
22 or she shall be sentenced to a term of imprisonment of not
23 less than 6 years and not more than 30 years.

24 (3) A person who violates paragraph (3) of subsection
25 (a) of this Section commits a Class X felony for which he
26 or she shall be sentenced to a term of imprisonment of not

1 less than 6 years and not more than 40 years.

2 (4) A person who violates paragraph (4) of subsection
3 (a) of this Section commits a Class X felony for which he
4 or she shall be sentenced to a term of imprisonment of not
5 less than 6 years and not more than 50 years.

6 (5) A person who violates paragraph (5) of subsection
7 (a) of this Section commits a Class X felony for which he
8 or she shall be sentenced to a term of imprisonment of not
9 less than 6 years and not more than 60 years.

10 (720 ILCS 5/26-1.1 new)

11 Sec. 26-1.1. False report of theft and other losses.

12 (a) A person who knowingly makes a false report of a theft,
13 destruction, damage or conversion of any property to a law
14 enforcement agency or other governmental agency with the intent
15 to defraud an insurer is guilty of a Class A misdemeanor.

16 (b) A person convicted of a violation of this Section a
17 second or subsequent time is guilty of a Class 4 felony.

18 (720 ILCS 5/16-1.1 rep.)

19 (720 ILCS 5/16-1.2 rep.)

20 (720 ILCS 5/16-3.1 rep.)

21 (720 ILCS 5/16-4 rep.)

22 (720 ILCS 5/16-8 rep.)

23 (720 ILCS 5/16-15 rep.)

24 (720 ILCS 5/16-16 rep.)

1 (720 ILCS 5/16-16.1 rep.)

2 (720 ILCS 5/16-19 rep.)

3 (720 ILCS 5/16-20 rep.)

4 (720 ILCS 5/16-21 rep.)

5 (720 ILCS 5/Art. 16A rep.)

6 (720 ILCS 5/Art. 16B rep.)

7 (720 ILCS 5/Art. 16E rep.)

8 (720 ILCS 5/Art. 16F rep.)

9 (720 ILCS 5/Art. 16G rep.)

10 (720 ILCS 5/Art. 16J rep.)

11 (720 ILCS 5/Art. 16K rep.)

12 (720 ILCS 5/17-25 rep.)

13 Section 6. The Criminal Code of 1961 is amended by
14 repealing Sections 16-1.1, 16-1.2, 16-3.1, 16-4, 16-8, 16-15,
15 16-16, 16-16.1, 16-19, 16-20, 16-21, and 17-25 and Articles
16 16A, 16B, 16E, 16F, 16G, 16J, and 16K.

17 Section 910. The Health Care Worker Background Check Act is
18 amended by changing Section 25 as follows:

19 (225 ILCS 46/25)

20 (Text of Section after amendment by P.A. 96-1551)

21 Sec. 25. Persons ineligible to be hired by health care
22 employers and long-term care facilities.

23 (a) In the discretion of the Director of Public Health, as
24 soon after January 1, 1996, January 1, 1997, January 1, 2006,

1 or October 1, 2007, as applicable, and as is reasonably
2 practical, no health care employer shall knowingly hire,
3 employ, or retain any individual in a position with duties
4 involving direct care for clients, patients, or residents, and
5 no long-term care facility shall knowingly hire, employ, or
6 retain any individual in a position with duties that involve or
7 may involve contact with residents or access to the living
8 quarters or the financial, medical, or personal records of
9 residents, who has been convicted of committing or attempting
10 to commit one or more of the following offenses: those defined
11 in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3,
12 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4,
13 10-5, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,
14 11-9.1, 11-9.5, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1,
15 12-2, 12-3.05, 12-3.1, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2,
16 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13,
17 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32,
18 12-33, 16-1, 16-1.3, 16-25, 16A-3, 17-3, 17-56, 18-1, 18-2,
19 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 20-1, 20-1.1, 24-1, 24-1.2,
20 24-1.5, or 33A-2, or subdivision (a)(4) of Section 11-14.4,⁷ or
21 in subsection (a) of Section 12-3 or subsection (a) or (b) of
22 Section 12-4.4a, of the Criminal Code of 1961; those provided
23 in Section 4 of the Wrongs to Children Act; those provided in
24 Section 53 of the Criminal Jurisprudence Act; those defined in
25 Section 5, 5.1, 5.2, 7, or 9 of the Cannabis Control Act; those
26 defined in the Methamphetamine Control and Community

1 Protection Act; or those defined in Sections 401, 401.1, 404,
2 405, 405.1, 407, or 407.1 of the Illinois Controlled Substances
3 Act, unless the applicant or employee obtains a waiver pursuant
4 to Section 40.

5 (a-1) In the discretion of the Director of Public Health,
6 as soon after January 1, 2004 or October 1, 2007, as
7 applicable, and as is reasonably practical, no health care
8 employer shall knowingly hire any individual in a position with
9 duties involving direct care for clients, patients, or
10 residents, and no long-term care facility shall knowingly hire
11 any individual in a position with duties that involve or may
12 involve contact with residents or access to the living quarters
13 or the financial, medical, or personal records of residents,
14 who has (i) been convicted of committing or attempting to
15 commit one or more of the offenses defined in Section 12-3.3,
16 12-4.2-5, 16-2, 16-30, 16G-15, 16G-20, 17-33, 17-34, 17-36,
17 17-44, 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6, 24-3.2, or
18 24-3.3, or subsection (b) of Section 17-32, of the Criminal
19 Code of 1961; Section 4, 5, 6, 8, or 17.02 of the Illinois
20 Credit Card and Debit Card Act; or Section 11-9.1A of the
21 Criminal Code of 1961 or Section 5.1 of the Wrongs to Children
22 Act; or (ii) violated Section 50-50 of the Nurse Practice Act,
23 unless the applicant or employee obtains a waiver pursuant to
24 Section 40 of this Act.

25 A health care employer is not required to retain an
26 individual in a position with duties involving direct care for

1 clients, patients, or residents, and no long-term care facility
2 is required to retain an individual in a position with duties
3 that involve or may involve contact with residents or access to
4 the living quarters or the financial, medical, or personal
5 records of residents, who has been convicted of committing or
6 attempting to commit one or more of the offenses enumerated in
7 this subsection.

8 (b) A health care employer shall not hire, employ, or
9 retain any individual in a position with duties involving
10 direct care of clients, patients, or residents, and no
11 long-term care facility shall knowingly hire, employ, or retain
12 any individual in a position with duties that involve or may
13 involve contact with residents or access to the living quarters
14 or the financial, medical, or personal records of residents, if
15 the health care employer becomes aware that the individual has
16 been convicted in another state of committing or attempting to
17 commit an offense that has the same or similar elements as an
18 offense listed in subsection (a) or (a-1), as verified by court
19 records, records from a state agency, or an FBI criminal
20 history record check, unless the applicant or employee obtains
21 a waiver pursuant to Section 40 of this Act. This shall not be
22 construed to mean that a health care employer has an obligation
23 to conduct a criminal history records check in other states in
24 which an employee has resided.

25 (Source: P.A. 95-120, eff. 8-13-07; 95-639, eff. 10-5-07;
26 95-876, eff. 8-21-08; 96-710, eff. 1-1-10; 96-1551, Article 1,

1 Section 930, eff. 7-1-11; 96-1551, Article 2, Section 995, eff.
2 7-1-11; 96-1551, Article 10, Section 10-40, eff. 7-1-11;
3 revised 4-6-11.)

4 Section 915. The Fire Sprinkler Contractor Licensing Act is
5 amended by changing Section 32 as follows:

6 (225 ILCS 317/32)

7 Sec. 32. Application for building permit; identity theft. A
8 person who knowingly, in the course of applying for a building
9 permit with a unit of local government, provides the license
10 number of a fire sprinkler contractor whom he or she does not
11 intend to have perform the work on the fire sprinkler portion
12 of the project commits identity theft under paragraph (8) of
13 subsection (a) of Section 16-30 ~~16C-15~~ of the Criminal Code of
14 1961.

15 (Source: P.A. 96-1455, eff. 8-20-10; revised 9-22-10.)

16 Section 920. The Illinois Roofing Industry Licensing Act is
17 amended by changing Section 5 as follows:

18 (225 ILCS 335/5) (from Ch. 111, par. 7505)

19 (Section scheduled to be repealed on January 1, 2016)

20 Sec. 5. Display of license number; advertising.

21 (a) Each State licensed roofing contractor shall affix the
22 roofing contractor license number and the licensee's name, as

1 it appears on the license, to all of his or her contracts and
2 bids. In addition, the official issuing building permits shall
3 affix the roofing contractor license number to each application
4 for a building permit and on each building permit issued and
5 recorded.

6 (a-5) A person who knowingly, in the course of applying for
7 a building permit with a unit of local government, provides the
8 roofing license number of a roofing contractor whom he or she
9 does not intend to have perform the work on the roofing portion
10 of the project commits identity theft under paragraph (8) of
11 subsection (a) of Section 16-30 ~~16C-15~~ of the Criminal Code of
12 1961.

13 (b) In addition, every roofing contractor shall affix the
14 roofing contractor license number and the licensee's name, as
15 it appears on the license, on all commercial vehicles used as
16 part of his or her business as a roofing contractor.

17 (c) Every holder of a license shall display it in a
18 conspicuous place in his or her principal office, place of
19 business, or place of employment.

20 (d) No person licensed under this Act may advertise
21 services regulated by this Act unless that person includes in
22 the advertisement the roofing contractor license number and the
23 licensee's name, as it appears on the license. Nothing
24 contained in this subsection requires the publisher of
25 advertising for roofing contractor services to investigate or
26 verify the accuracy of the license number provided by the

1 licensee.

2 (e) A person who advertises services regulated by this Act
3 who knowingly (i) fails to display the license number and the
4 licensee's name, as it appears on the license, in any manner
5 required by this Section, (ii) fails to provide a publisher
6 with the correct license number as required by subsection (d),
7 or (iii) provides a publisher with a false license number or a
8 license number of another person, or a person who knowingly
9 allows his or her license number to be displayed or used by
10 another person to circumvent any provisions of this Section, is
11 guilty of a Class A misdemeanor with a fine of \$1,000, and, in
12 addition, is subject to the administrative enforcement
13 provisions of this Act. Each day that an advertisement runs or
14 each day that a person knowingly allows his or her license to
15 be displayed or used in violation of this Section constitutes a
16 separate offense.

17 (Source: P.A. 96-624, eff. 1-1-10; 96-1324, eff. 7-27-10.)

18 Section 925. The Illinois Vehicle Code is amended by
19 changing Section 6-205.2 as follows:

20 (625 ILCS 5/6-205.2)

21 Sec. 6-205.2. Suspension of driver's license of person
22 convicted of theft of motor fuel. The driver's license of a
23 person convicted of theft of motor fuel under Section 16-25 or
24 16K-15 of the Criminal Code of 1961 shall be suspended by the

1 Secretary for a period not to exceed 6 months for a first
2 offense. Upon a second or subsequent conviction for theft of
3 motor fuel, the suspension shall be for a period not to exceed
4 one year. Upon conviction of a person for theft of motor fuel,
5 the court shall order the person to surrender his or her
6 driver's license to the clerk of the court who shall forward
7 the suspended license to the Secretary.

8 (Source: P.A. 94-700, eff. 6-1-06; 95-331, eff. 8-21-07.)

9 (720 ILCS 235/Act rep.)

10 Section 930. The Coin Slug Act is repealed.

11 (720 ILCS 360/Act rep.)

12 Section 935. The Telephone Line Interference Act is
13 repealed.

14 (720 ILCS 365/Act rep.)

15 Section 940. The Telephone Charge Fraud Act is repealed.

16 (720 ILCS 370/Act rep.)

17 Section 945. The Telephone Coin Box Tampering Act is
18 repealed.

19 Section 950. The Code of Criminal Procedure of 1963 is
20 amended by changing Section 111-4 as follows:

1 (725 ILCS 5/111-4)

2 (Text of Section after amendment by P.A. 96-1551)

3 Sec. 111-4. Joinder of offenses and defendants.

4 (a) Two or more offenses may be charged in the same
5 indictment, information or complaint in a separate count for
6 each offense if the offenses charged, whether felonies or
7 misdemeanors or both, are based on the same act or on 2 or more
8 acts which are part of the same comprehensive transaction.

9 (b) Two or more defendants may be charged in the same
10 indictment, information or complaint if they are alleged to
11 have participated in the same act or in the same comprehensive
12 transaction out of which the offense or offenses arose. Such
13 defendants may be charged in one or more counts together or
14 separately and all of the defendants need not be charged in
15 each count.

16 (c) Two or more acts or transactions in violation of any
17 provision or provisions of Sections 8A-2, 8A-3, 8A-4, 8A-4A and
18 8A-5 of the Illinois Public Aid Code, Section 14 of the
19 Illinois Wage Payment and Collection Act, Sections 16-1,
20 16-1.3, 16-2, 16-3, 16-5, 16-7, 16-8, 16-10, 16-25, 16-30,
21 16A-3, 16B-2, 16G-15, 16G-20, 16H-15, 16H-20, 16H-25, 16H-30,
22 16H-45, 16H-50, 16H-55, 17-1, 17-3, 17-6, 17-30, or 17-60, or
23 item (ii) of subsection (a) or (b) of Section 17-9, or
24 subdivision (a)(2) of Section 17-10.5, of the Criminal Code of
25 1961 and Section 118 of Division I of the Criminal
26 Jurisprudence Act, may be charged as a single offense in a

1 single count of the same indictment, information or complaint,
2 if such acts or transactions by one or more defendants are in
3 furtherance of a single intention and design or if the
4 property, labor or services obtained are of the same person or
5 are of several persons having a common interest in such
6 property, labor or services. In such a charge, the period
7 between the dates of the first and the final such acts or
8 transactions may be alleged as the date of the offense and, if
9 any such act or transaction by any defendant was committed in
10 the county where the prosecution was commenced, such county may
11 be alleged as the county of the offense.

12 (Source: P.A. 95-384, eff. 1-1-08; 96-354, eff. 8-13-09;
13 96-1207, eff. 7-22-10; 96-1407, eff. 1-1-11; 96-1551, eff.
14 7-1-11.)

15 Section 955. The Unified Code of Corrections is amended by
16 changing Sections 3-3-7, 5-6-1, 5-6-3, and 5-6-3.1 as follows:

17 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

18 (Text of Section after amendment by P.A. 96-1551)

19 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
20 Release.

21 (a) The conditions of parole or mandatory supervised
22 release shall be such as the Prisoner Review Board deems
23 necessary to assist the subject in leading a law-abiding life.
24 The conditions of every parole and mandatory supervised release

1 are that the subject:

2 (1) not violate any criminal statute of any
3 jurisdiction during the parole or release term;

4 (2) refrain from possessing a firearm or other
5 dangerous weapon;

6 (3) report to an agent of the Department of
7 Corrections;

8 (4) permit the agent to visit him or her at his or her
9 home, employment, or elsewhere to the extent necessary for
10 the agent to discharge his or her duties;

11 (5) attend or reside in a facility established for the
12 instruction or residence of persons on parole or mandatory
13 supervised release;

14 (6) secure permission before visiting or writing a
15 committed person in an Illinois Department of Corrections
16 facility;

17 (7) report all arrests to an agent of the Department of
18 Corrections as soon as permitted by the arresting authority
19 but in no event later than 24 hours after release from
20 custody;

21 (7.5) if convicted of a sex offense as defined in the
22 Sex Offender Management Board Act, the individual shall
23 undergo and successfully complete sex offender treatment
24 conducted in conformance with the standards developed by
25 the Sex Offender Management Board Act by a treatment
26 provider approved by the Board;

1 (7.6) if convicted of a sex offense as defined in the
2 Sex Offender Management Board Act, refrain from residing at
3 the same address or in the same condominium unit or
4 apartment unit or in the same condominium complex or
5 apartment complex with another person he or she knows or
6 reasonably should know is a convicted sex offender or has
7 been placed on supervision for a sex offense; the
8 provisions of this paragraph do not apply to a person
9 convicted of a sex offense who is placed in a Department of
10 Corrections licensed transitional housing facility for sex
11 offenders, or is in any facility operated or licensed by
12 the Department of Children and Family Services or by the
13 Department of Human Services, or is in any licensed medical
14 facility;

15 (7.7) if convicted for an offense that would qualify
16 the accused as a sexual predator under the Sex Offender
17 Registration Act on or after the effective date of this
18 amendatory Act of the 94th General Assembly, wear an
19 approved electronic monitoring device as defined in
20 Section 5-8A-2 for the duration of the person's parole,
21 mandatory supervised release term, or extended mandatory
22 supervised release term and if convicted for an offense of
23 criminal sexual assault, aggravated criminal sexual
24 assault, predatory criminal sexual assault of a child,
25 criminal sexual abuse, aggravated criminal sexual abuse,
26 or ritualized abuse of a child committed on or after August

1 11, 2009 (the effective date of Public Act 96-236) when the
2 victim was under 18 years of age at the time of the
3 commission of the offense and the defendant used force or
4 the threat of force in the commission of the offense wear
5 an approved electronic monitoring device as defined in
6 Section 5-8A-2 that has Global Positioning System (GPS)
7 capability for the duration of the person's parole,
8 mandatory supervised release term, or extended mandatory
9 supervised release term;

10 (7.8) if convicted for an offense committed on or after
11 the effective date of this amendatory Act of the 95th
12 General Assembly that would qualify the accused as a child
13 sex offender as defined in Section 11-9.3 or 11-9.4 of the
14 Criminal Code of 1961, refrain from communicating with or
15 contacting, by means of the Internet, a person who is not
16 related to the accused and whom the accused reasonably
17 believes to be under 18 years of age; for purposes of this
18 paragraph (7.8), "Internet" has the meaning ascribed to it
19 in Section 16-0.1 ~~16J-5~~ of the Criminal Code of 1961; and a
20 person is not related to the accused if the person is not:
21 (i) the spouse, brother, or sister of the accused; (ii) a
22 descendant of the accused; (iii) a first or second cousin
23 of the accused; or (iv) a step-child or adopted child of
24 the accused;

25 (7.9) if convicted under Section 11-6, 11-20.1,
26 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961,

1 consent to search of computers, PDAs, cellular phones, and
2 other devices under his or her control that are capable of
3 accessing the Internet or storing electronic files, in
4 order to confirm Internet protocol addresses reported in
5 accordance with the Sex Offender Registration Act and
6 compliance with conditions in this Act;

7 (7.10) if convicted for an offense that would qualify
8 the accused as a sex offender or sexual predator under the
9 Sex Offender Registration Act on or after the effective
10 date of this amendatory Act of the 95th General Assembly,
11 not possess prescription drugs for erectile dysfunction;

12 (7.11) if convicted for an offense under Section 11-6,
13 11-9.1, 11-14.4 that involves soliciting for a juvenile
14 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
15 of the Criminal Code of 1961, or any attempt to commit any
16 of these offenses, committed on or after June 1, 2009 (the
17 effective date of Public Act 95-983):

18 (i) not access or use a computer or any other
19 device with Internet capability without the prior
20 written approval of the Department;

21 (ii) submit to periodic unannounced examinations
22 of the offender's computer or any other device with
23 Internet capability by the offender's supervising
24 agent, a law enforcement officer, or assigned computer
25 or information technology specialist, including the
26 retrieval and copying of all data from the computer or

1 device and any internal or external peripherals and
2 removal of such information, equipment, or device to
3 conduct a more thorough inspection;

4 (iii) submit to the installation on the offender's
5 computer or device with Internet capability, at the
6 offender's expense, of one or more hardware or software
7 systems to monitor the Internet use; and

8 (iv) submit to any other appropriate restrictions
9 concerning the offender's use of or access to a
10 computer or any other device with Internet capability
11 imposed by the Board, the Department or the offender's
12 supervising agent;

13 (7.12) if convicted of a sex offense as defined in the
14 Sex Offender Registration Act committed on or after January
15 1, 2010 (the effective date of Public Act 96-262), refrain
16 from accessing or using a social networking website as
17 defined in Section 17-0.5 of the Criminal Code of 1961;

18 (7.13) if convicted of a sex offense as defined in
19 Section 2 of the Sex Offender Registration Act committed on
20 or after January 1, 2010 (the effective date of Public Act
21 96-362) that requires the person to register as a sex
22 offender under that Act, may not knowingly use any computer
23 scrub software on any computer that the sex offender uses;

24 (8) obtain permission of an agent of the Department of
25 Corrections before leaving the State of Illinois;

26 (9) obtain permission of an agent of the Department of

1 Corrections before changing his or her residence or
2 employment;

3 (10) consent to a search of his or her person,
4 property, or residence under his or her control;

5 (11) refrain from the use or possession of narcotics or
6 other controlled substances in any form, or both, or any
7 paraphernalia related to those substances and submit to a
8 urinalysis test as instructed by a parole agent of the
9 Department of Corrections;

10 (12) not frequent places where controlled substances
11 are illegally sold, used, distributed, or administered;

12 (13) not knowingly associate with other persons on
13 parole or mandatory supervised release without prior
14 written permission of his or her parole agent and not
15 associate with persons who are members of an organized gang
16 as that term is defined in the Illinois Streetgang
17 Terrorism Omnibus Prevention Act;

18 (14) provide true and accurate information, as it
19 relates to his or her adjustment in the community while on
20 parole or mandatory supervised release or to his or her
21 conduct while incarcerated, in response to inquiries by his
22 or her parole agent or of the Department of Corrections;

23 (15) follow any specific instructions provided by the
24 parole agent that are consistent with furthering
25 conditions set and approved by the Prisoner Review Board or
26 by law, exclusive of placement on electronic detention, to

1 achieve the goals and objectives of his or her parole or
2 mandatory supervised release or to protect the public.
3 These instructions by the parole agent may be modified at
4 any time, as the agent deems appropriate;

5 (16) if convicted of a sex offense as defined in
6 subsection (a-5) of Section 3-1-2 of this Code, unless the
7 offender is a parent or guardian of the person under 18
8 years of age present in the home and no non-familial minors
9 are present, not participate in a holiday event involving
10 children under 18 years of age, such as distributing candy
11 or other items to children on Halloween, wearing a Santa
12 Claus costume on or preceding Christmas, being employed as
13 a department store Santa Claus, or wearing an Easter Bunny
14 costume on or preceding Easter; and

15 (17) if convicted of a violation of an order of
16 protection under Section 12-30 of the Criminal Code of
17 1961, be placed under electronic surveillance as provided
18 in Section 5-8A-7 of this Code.

19 (b) The Board may in addition to other conditions require
20 that the subject:

21 (1) work or pursue a course of study or vocational
22 training;

23 (2) undergo medical or psychiatric treatment, or
24 treatment for drug addiction or alcoholism;

25 (3) attend or reside in a facility established for the
26 instruction or residence of persons on probation or parole;

1 (4) support his dependents;

2 (5) (blank);

3 (6) (blank);

4 (7) comply with the terms and conditions of an order of
5 protection issued pursuant to the Illinois Domestic
6 Violence Act of 1986, enacted by the 84th General Assembly,
7 or an order of protection issued by the court of another
8 state, tribe, or United States territory;

9 (7.5) if convicted for an offense committed on or after
10 the effective date of this amendatory Act of the 95th
11 General Assembly that would qualify the accused as a child
12 sex offender as defined in Section 11-9.3 or 11-9.4 of the
13 Criminal Code of 1961, refrain from communicating with or
14 contacting, by means of the Internet, a person who is
15 related to the accused and whom the accused reasonably
16 believes to be under 18 years of age; for purposes of this
17 paragraph (7.5), "Internet" has the meaning ascribed to it
18 in Section 16-0.1 ~~16-5~~ of the Criminal Code of 1961; and a
19 person is related to the accused if the person is: (i) the
20 spouse, brother, or sister of the accused; (ii) a
21 descendant of the accused; (iii) a first or second cousin
22 of the accused; or (iv) a step-child or adopted child of
23 the accused;

24 (7.6) if convicted for an offense committed on or after
25 June 1, 2009 (the effective date of Public Act 95-983) that
26 would qualify as a sex offense as defined in the Sex

1 Offender Registration Act:

2 (i) not access or use a computer or any other
3 device with Internet capability without the prior
4 written approval of the Department;

5 (ii) submit to periodic unannounced examinations
6 of the offender's computer or any other device with
7 Internet capability by the offender's supervising
8 agent, a law enforcement officer, or assigned computer
9 or information technology specialist, including the
10 retrieval and copying of all data from the computer or
11 device and any internal or external peripherals and
12 removal of such information, equipment, or device to
13 conduct a more thorough inspection;

14 (iii) submit to the installation on the offender's
15 computer or device with Internet capability, at the
16 offender's expense, of one or more hardware or software
17 systems to monitor the Internet use; and

18 (iv) submit to any other appropriate restrictions
19 concerning the offender's use of or access to a
20 computer or any other device with Internet capability
21 imposed by the Board, the Department or the offender's
22 supervising agent; and

23 (8) in addition, if a minor:

24 (i) reside with his parents or in a foster home;

25 (ii) attend school;

26 (iii) attend a non-residential program for youth;

1 or

2 (iv) contribute to his own support at home or in a
3 foster home.

4 (b-1) In addition to the conditions set forth in
5 subsections (a) and (b), persons required to register as sex
6 offenders pursuant to the Sex Offender Registration Act, upon
7 release from the custody of the Illinois Department of
8 Corrections, may be required by the Board to comply with the
9 following specific conditions of release:

10 (1) reside only at a Department approved location;

11 (2) comply with all requirements of the Sex Offender
12 Registration Act;

13 (3) notify third parties of the risks that may be
14 occasioned by his or her criminal record;

15 (4) obtain the approval of an agent of the Department
16 of Corrections prior to accepting employment or pursuing a
17 course of study or vocational training and notify the
18 Department prior to any change in employment, study, or
19 training;

20 (5) not be employed or participate in any volunteer
21 activity that involves contact with children, except under
22 circumstances approved in advance and in writing by an
23 agent of the Department of Corrections;

24 (6) be electronically monitored for a minimum of 12
25 months from the date of release as determined by the Board;

26 (7) refrain from entering into a designated geographic

1 area except upon terms approved in advance by an agent of
2 the Department of Corrections. The terms may include
3 consideration of the purpose of the entry, the time of day,
4 and others accompanying the person;

5 (8) refrain from having any contact, including written
6 or oral communications, directly or indirectly, personally
7 or by telephone, letter, or through a third party with
8 certain specified persons including, but not limited to,
9 the victim or the victim's family without the prior written
10 approval of an agent of the Department of Corrections;

11 (9) refrain from all contact, directly or indirectly,
12 personally, by telephone, letter, or through a third party,
13 with minor children without prior identification and
14 approval of an agent of the Department of Corrections;

15 (10) neither possess or have under his or her control
16 any material that is sexually oriented, sexually
17 stimulating, or that shows male or female sex organs or any
18 pictures depicting children under 18 years of age nude or
19 any written or audio material describing sexual
20 intercourse or that depicts or alludes to sexual activity,
21 including but not limited to visual, auditory, telephonic,
22 or electronic media, or any matter obtained through access
23 to any computer or material linked to computer access use;

24 (11) not patronize any business providing sexually
25 stimulating or sexually oriented entertainment nor utilize
26 "900" or adult telephone numbers;

1 (12) not reside near, visit, or be in or about parks,
2 schools, day care centers, swimming pools, beaches,
3 theaters, or any other places where minor children
4 congregate without advance approval of an agent of the
5 Department of Corrections and immediately report any
6 incidental contact with minor children to the Department;

7 (13) not possess or have under his or her control
8 certain specified items of contraband related to the
9 incidence of sexually offending as determined by an agent
10 of the Department of Corrections;

11 (14) may be required to provide a written daily log of
12 activities if directed by an agent of the Department of
13 Corrections;

14 (15) comply with all other special conditions that the
15 Department may impose that restrict the person from
16 high-risk situations and limit access to potential
17 victims;

18 (16) take an annual polygraph exam;

19 (17) maintain a log of his or her travel; or

20 (18) obtain prior approval of his or her parole officer
21 before driving alone in a motor vehicle.

22 (c) The conditions under which the parole or mandatory
23 supervised release is to be served shall be communicated to the
24 person in writing prior to his release, and he shall sign the
25 same before release. A signed copy of these conditions,
26 including a copy of an order of protection where one had been

1 issued by the criminal court, shall be retained by the person
2 and another copy forwarded to the officer in charge of his
3 supervision.

4 (d) After a hearing under Section 3-3-9, the Prisoner
5 Review Board may modify or enlarge the conditions of parole or
6 mandatory supervised release.

7 (e) The Department shall inform all offenders committed to
8 the Department of the optional services available to them upon
9 release and shall assist inmates in availing themselves of such
10 optional services upon their release on a voluntary basis.

11 (f) When the subject is in compliance with all conditions
12 of his or her parole or mandatory supervised release, the
13 subject shall receive a reduction of the period of his or her
14 parole or mandatory supervised release of 90 days upon
15 receiving a high school diploma or passage of the high school
16 level Test of General Educational Development during the period
17 of his or her parole or mandatory supervised release. This
18 reduction in the period of a subject's term of parole or
19 mandatory supervised release shall be available only to
20 subjects who have not previously earned a high school diploma
21 or who have not previously passed the high school level Test of
22 General Educational Development.

23 (Source: P.A. 95-464, eff. 6-1-08; 95-539, eff. 1-1-08; 95-579,
24 eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09; 95-876,
25 eff. 8-21-08; 95-983, eff. 6-1-09; 96-236, eff. 8-11-09;
26 96-262, eff. 1-1-10; 96-328, eff. 8-11-09; 96-362, eff. 1-1-10;

1 96-1000, eff. 7-2-10; 96-1539, eff. 3-4-11; 96-1551, Article 2,
2 Section 1065, eff. 7-1-11; 96-1551, Article 10, Section 10-150,
3 eff. 7-1-11; revised 4-18-11.)

4 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

5 (Text of Section after amendment by P.A. 96-1551)

6 Sec. 5-6-1. Sentences of Probation and of Conditional
7 Discharge and Disposition of Supervision. The General Assembly
8 finds that in order to protect the public, the criminal justice
9 system must compel compliance with the conditions of probation
10 by responding to violations with swift, certain and fair
11 punishments and intermediate sanctions. The Chief Judge of each
12 circuit shall adopt a system of structured, intermediate
13 sanctions for violations of the terms and conditions of a
14 sentence of probation, conditional discharge or disposition of
15 supervision.

16 (a) Except where specifically prohibited by other
17 provisions of this Code, the court shall impose a sentence of
18 probation or conditional discharge upon an offender unless,
19 having regard to the nature and circumstance of the offense,
20 and to the history, character and condition of the offender,
21 the court is of the opinion that:

22 (1) his imprisonment or periodic imprisonment is
23 necessary for the protection of the public; or

24 (2) probation or conditional discharge would deprecate
25 the seriousness of the offender's conduct and would be

1 inconsistent with the ends of justice; or

2 (3) a combination of imprisonment with concurrent or
3 consecutive probation when an offender has been admitted
4 into a drug court program under Section 20 of the Drug
5 Court Treatment Act is necessary for the protection of the
6 public and for the rehabilitation of the offender.

7 The court shall impose as a condition of a sentence of
8 probation, conditional discharge, or supervision, that the
9 probation agency may invoke any sanction from the list of
10 intermediate sanctions adopted by the chief judge of the
11 circuit court for violations of the terms and conditions of the
12 sentence of probation, conditional discharge, or supervision,
13 subject to the provisions of Section 5-6-4 of this Act.

14 (b) The court may impose a sentence of conditional
15 discharge for an offense if the court is of the opinion that
16 neither a sentence of imprisonment nor of periodic imprisonment
17 nor of probation supervision is appropriate.

18 (b-1) Subsections (a) and (b) of this Section do not apply
19 to a defendant charged with a misdemeanor or felony under the
20 Illinois Vehicle Code or reckless homicide under Section 9-3 of
21 the Criminal Code of 1961 if the defendant within the past 12
22 months has been convicted of or pleaded guilty to a misdemeanor
23 or felony under the Illinois Vehicle Code or reckless homicide
24 under Section 9-3 of the Criminal Code of 1961.

25 (c) The court may, upon a plea of guilty or a stipulation
26 by the defendant of the facts supporting the charge or a

1 finding of guilt, defer further proceedings and the imposition
2 of a sentence, and enter an order for supervision of the
3 defendant, if the defendant is not charged with: (i) a Class A
4 misdemeanor, as defined by the following provisions of the
5 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 11-1.50 or
6 12-15; 26-5; 31-1; 31-6; 31-7; subsections (b) and (c) of
7 Section 21-1; paragraph (1) through (5), (8), (10), and (11) of
8 subsection (a) of Section 24-1; (ii) a Class A misdemeanor
9 violation of Section 3.01, 3.03-1, or 4.01 of the Humane Care
10 for Animals Act; or (iii) a felony. If the defendant is not
11 barred from receiving an order for supervision as provided in
12 this subsection, the court may enter an order for supervision
13 after considering the circumstances of the offense, and the
14 history, character and condition of the offender, if the court
15 is of the opinion that:

16 (1) the offender is not likely to commit further
17 crimes;

18 (2) the defendant and the public would be best served
19 if the defendant were not to receive a criminal record; and

20 (3) in the best interests of justice an order of
21 supervision is more appropriate than a sentence otherwise
22 permitted under this Code.

23 (c-5) Subsections (a), (b), and (c) of this Section do not
24 apply to a defendant charged with a second or subsequent
25 violation of Section 6-303 of the Illinois Vehicle Code
26 committed while his or her driver's license, permit or

1 privileges were revoked because of a violation of Section 9-3
2 of the Criminal Code of 1961, relating to the offense of
3 reckless homicide, or a similar provision of a law of another
4 state.

5 (d) The provisions of paragraph (c) shall not apply to a
6 defendant charged with violating Section 11-501 of the Illinois
7 Vehicle Code or a similar provision of a local ordinance when
8 the defendant has previously been:

9 (1) convicted for a violation of Section 11-501 of the
10 Illinois Vehicle Code or a similar provision of a local
11 ordinance or any similar law or ordinance of another state;
12 or

13 (2) assigned supervision for a violation of Section
14 11-501 of the Illinois Vehicle Code or a similar provision
15 of a local ordinance or any similar law or ordinance of
16 another state; or

17 (3) pleaded guilty to or stipulated to the facts
18 supporting a charge or a finding of guilty to a violation
19 of Section 11-503 of the Illinois Vehicle Code or a similar
20 provision of a local ordinance or any similar law or
21 ordinance of another state, and the plea or stipulation was
22 the result of a plea agreement.

23 The court shall consider the statement of the prosecuting
24 authority with regard to the standards set forth in this
25 Section.

26 (e) The provisions of paragraph (c) shall not apply to a

1 defendant charged with violating Section 16-25 or 16A-3 of the
2 Criminal Code of 1961 if said defendant has within the last 5
3 years been:

4 (1) convicted for a violation of Section 16-25 or 16A-3
5 of the Criminal Code of 1961; or

6 (2) assigned supervision for a violation of Section
7 16-25 or 16A-3 of the Criminal Code of 1961.

8 The court shall consider the statement of the prosecuting
9 authority with regard to the standards set forth in this
10 Section.

11 (f) The provisions of paragraph (c) shall not apply to a
12 defendant charged with violating Sections 15-111, 15-112,
13 15-301, paragraph (b) of Section 6-104, Section 11-605, Section
14 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a
15 similar provision of a local ordinance.

16 (g) Except as otherwise provided in paragraph (i) of this
17 Section, the provisions of paragraph (c) shall not apply to a
18 defendant charged with violating Section 3-707, 3-708, 3-710,
19 or 5-401.3 of the Illinois Vehicle Code or a similar provision
20 of a local ordinance if the defendant has within the last 5
21 years been:

22 (1) convicted for a violation of Section 3-707, 3-708,
23 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
24 provision of a local ordinance; or

25 (2) assigned supervision for a violation of Section
26 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle

1 Code or a similar provision of a local ordinance.

2 The court shall consider the statement of the prosecuting
3 authority with regard to the standards set forth in this
4 Section.

5 (h) The provisions of paragraph (c) shall not apply to a
6 defendant under the age of 21 years charged with violating a
7 serious traffic offense as defined in Section 1-187.001 of the
8 Illinois Vehicle Code:

9 (1) unless the defendant, upon payment of the fines,
10 penalties, and costs provided by law, agrees to attend and
11 successfully complete a traffic safety program approved by
12 the court under standards set by the Conference of Chief
13 Circuit Judges. The accused shall be responsible for
14 payment of any traffic safety program fees. If the accused
15 fails to file a certificate of successful completion on or
16 before the termination date of the supervision order, the
17 supervision shall be summarily revoked and conviction
18 entered. The provisions of Supreme Court Rule 402 relating
19 to pleas of guilty do not apply in cases when a defendant
20 enters a guilty plea under this provision; or

21 (2) if the defendant has previously been sentenced
22 under the provisions of paragraph (c) on or after January
23 1, 1998 for any serious traffic offense as defined in
24 Section 1-187.001 of the Illinois Vehicle Code.

25 (h-1) The provisions of paragraph (c) shall not apply to a
26 defendant under the age of 21 years charged with an offense

1 against traffic regulations governing the movement of vehicles
2 or any violation of Section 6-107 or Section 12-603.1 of the
3 Illinois Vehicle Code, unless the defendant, upon payment of
4 the fines, penalties, and costs provided by law, agrees to
5 attend and successfully complete a traffic safety program
6 approved by the court under standards set by the Conference of
7 Chief Circuit Judges. The accused shall be responsible for
8 payment of any traffic safety program fees. If the accused
9 fails to file a certificate of successful completion on or
10 before the termination date of the supervision order, the
11 supervision shall be summarily revoked and conviction entered.
12 The provisions of Supreme Court Rule 402 relating to pleas of
13 guilty do not apply in cases when a defendant enters a guilty
14 plea under this provision.

15 (i) The provisions of paragraph (c) shall not apply to a
16 defendant charged with violating Section 3-707 of the Illinois
17 Vehicle Code or a similar provision of a local ordinance if the
18 defendant has been assigned supervision for a violation of
19 Section 3-707 of the Illinois Vehicle Code or a similar
20 provision of a local ordinance.

21 (j) The provisions of paragraph (c) shall not apply to a
22 defendant charged with violating Section 6-303 of the Illinois
23 Vehicle Code or a similar provision of a local ordinance when
24 the revocation or suspension was for a violation of Section
25 11-501 or a similar provision of a local ordinance or a
26 violation of Section 11-501.1 or paragraph (b) of Section

1 11-401 of the Illinois Vehicle Code if the defendant has within
2 the last 10 years been:

3 (1) convicted for a violation of Section 6-303 of the
4 Illinois Vehicle Code or a similar provision of a local
5 ordinance; or

6 (2) assigned supervision for a violation of Section
7 6-303 of the Illinois Vehicle Code or a similar provision
8 of a local ordinance.

9 (k) The provisions of paragraph (c) shall not apply to a
10 defendant charged with violating any provision of the Illinois
11 Vehicle Code or a similar provision of a local ordinance that
12 governs the movement of vehicles if, within the 12 months
13 preceding the date of the defendant's arrest, the defendant has
14 been assigned court supervision on 2 occasions for a violation
15 that governs the movement of vehicles under the Illinois
16 Vehicle Code or a similar provision of a local ordinance. The
17 provisions of this paragraph (k) do not apply to a defendant
18 charged with violating Section 11-501 of the Illinois Vehicle
19 Code or a similar provision of a local ordinance.

20 (l) A defendant charged with violating any provision of the
21 Illinois Vehicle Code or a similar provision of a local
22 ordinance who receives a disposition of supervision under
23 subsection (c) shall pay an additional fee of \$29, to be
24 collected as provided in Sections 27.5 and 27.6 of the Clerks
25 of Courts Act. In addition to the \$29 fee, the person shall
26 also pay a fee of \$6, which, if not waived by the court, shall

1 be collected as provided in Sections 27.5 and 27.6 of the
2 Clerks of Courts Act. The \$29 fee shall be disbursed as
3 provided in Section 16-104c of the Illinois Vehicle Code. If
4 the \$6 fee is collected, \$5.50 of the fee shall be deposited
5 into the Circuit Court Clerk Operation and Administrative Fund
6 created by the Clerk of the Circuit Court and 50 cents of the
7 fee shall be deposited into the Prisoner Review Board Vehicle
8 and Equipment Fund in the State treasury.

9 (m) Any person convicted of, pleading guilty to, or placed
10 on supervision for a serious traffic violation, as defined in
11 Section 1-187.001 of the Illinois Vehicle Code, a violation of
12 Section 11-501 of the Illinois Vehicle Code, or a violation of
13 a similar provision of a local ordinance shall pay an
14 additional fee of \$35, to be disbursed as provided in Section
15 16-104d of that Code.

16 This subsection (m) becomes inoperative 7 years after
17 October 13, 2007 (the effective date of Public Act 95-154).

18 (n) The provisions of paragraph (c) shall not apply to any
19 person under the age of 18 who commits an offense against
20 traffic regulations governing the movement of vehicles or any
21 violation of Section 6-107 or Section 12-603.1 of the Illinois
22 Vehicle Code, except upon personal appearance of the defendant
23 in court and upon the written consent of the defendant's parent
24 or legal guardian, executed before the presiding judge. The
25 presiding judge shall have the authority to waive this
26 requirement upon the showing of good cause by the defendant.

1 (o) The provisions of paragraph (c) shall not apply to a
2 defendant charged with violating Section 6-303 of the Illinois
3 Vehicle Code or a similar provision of a local ordinance when
4 the suspension was for a violation of Section 11-501.1 of the
5 Illinois Vehicle Code and when:

6 (1) at the time of the violation of Section 11-501.1 of
7 the Illinois Vehicle Code, the defendant was a first
8 offender pursuant to Section 11-500 of the Illinois Vehicle
9 Code and the defendant failed to obtain a monitoring device
10 driving permit; or

11 (2) at the time of the violation of Section 11-501.1 of
12 the Illinois Vehicle Code, the defendant was a first
13 offender pursuant to Section 11-500 of the Illinois Vehicle
14 Code, had subsequently obtained a monitoring device
15 driving permit, but was driving a vehicle not equipped with
16 a breath alcohol ignition interlock device as defined in
17 Section 1-129.1 of the Illinois Vehicle Code.

18 (p) The provisions of paragraph (c) shall not apply to a
19 defendant charged with violating subsection (b) of Section
20 11-601.5 of the Illinois Vehicle Code or a similar provision of
21 a local ordinance.

22 (Source: P.A. 95-154, eff. 10-13-07; 95-302, eff. 1-1-08;
23 95-310, eff. 1-1-08; 95-377, eff. 1-1-08; 95-400, eff. 1-1-09;
24 95-428, eff. 8-24-07; 95-876, eff. 8-21-08; 96-253, eff.
25 8-11-09; 96-286, eff. 8-11-09; 96-328, eff. 8-11-09; 96-625,
26 eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1002, eff. 1-1-11;

1 96-1175, eff. 9-20-10; 96-1551, eff. 7-1-11.)

2 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

3 (Text of Section after amendment by P.A. 96-1551)

4 Sec. 5-6-3. Conditions of Probation and of Conditional
5 Discharge.

6 (a) The conditions of probation and of conditional
7 discharge shall be that the person:

8 (1) not violate any criminal statute of any
9 jurisdiction;

10 (2) report to or appear in person before such person or
11 agency as directed by the court;

12 (3) refrain from possessing a firearm or other
13 dangerous weapon where the offense is a felony or, if a
14 misdemeanor, the offense involved the intentional or
15 knowing infliction of bodily harm or threat of bodily harm;

16 (4) not leave the State without the consent of the
17 court or, in circumstances in which the reason for the
18 absence is of such an emergency nature that prior consent
19 by the court is not possible, without the prior
20 notification and approval of the person's probation
21 officer. Transfer of a person's probation or conditional
22 discharge supervision to another state is subject to
23 acceptance by the other state pursuant to the Interstate
24 Compact for Adult Offender Supervision;

25 (5) permit the probation officer to visit him at his

1 home or elsewhere to the extent necessary to discharge his
2 duties;

3 (6) perform no less than 30 hours of community service
4 and not more than 120 hours of community service, if
5 community service is available in the jurisdiction and is
6 funded and approved by the county board where the offense
7 was committed, where the offense was related to or in
8 furtherance of the criminal activities of an organized gang
9 and was motivated by the offender's membership in or
10 allegiance to an organized gang. The community service
11 shall include, but not be limited to, the cleanup and
12 repair of any damage caused by a violation of Section
13 21-1.3 of the Criminal Code of 1961 and similar damage to
14 property located within the municipality or county in which
15 the violation occurred. When possible and reasonable, the
16 community service should be performed in the offender's
17 neighborhood. For purposes of this Section, "organized
18 gang" has the meaning ascribed to it in Section 10 of the
19 Illinois Streetgang Terrorism Omnibus Prevention Act;

20 (7) if he or she is at least 17 years of age and has
21 been sentenced to probation or conditional discharge for a
22 misdemeanor or felony in a county of 3,000,000 or more
23 inhabitants and has not been previously convicted of a
24 misdemeanor or felony, may be required by the sentencing
25 court to attend educational courses designed to prepare the
26 defendant for a high school diploma and to work toward a

1 high school diploma or to work toward passing the high
2 school level Test of General Educational Development (GED)
3 or to work toward completing a vocational training program
4 approved by the court. The person on probation or
5 conditional discharge must attend a public institution of
6 education to obtain the educational or vocational training
7 required by this clause (7). The court shall revoke the
8 probation or conditional discharge of a person who wilfully
9 fails to comply with this clause (7). The person on
10 probation or conditional discharge shall be required to pay
11 for the cost of the educational courses or GED test, if a
12 fee is charged for those courses or test. The court shall
13 resentence the offender whose probation or conditional
14 discharge has been revoked as provided in Section 5-6-4.
15 This clause (7) does not apply to a person who has a high
16 school diploma or has successfully passed the GED test.
17 This clause (7) does not apply to a person who is
18 determined by the court to be developmentally disabled or
19 otherwise mentally incapable of completing the educational
20 or vocational program;

21 (8) if convicted of possession of a substance
22 prohibited by the Cannabis Control Act, the Illinois
23 Controlled Substances Act, or the Methamphetamine Control
24 and Community Protection Act after a previous conviction or
25 disposition of supervision for possession of a substance
26 prohibited by the Cannabis Control Act or Illinois

1 Controlled Substances Act or after a sentence of probation
2 under Section 10 of the Cannabis Control Act, Section 410
3 of the Illinois Controlled Substances Act, or Section 70 of
4 the Methamphetamine Control and Community Protection Act
5 and upon a finding by the court that the person is
6 addicted, undergo treatment at a substance abuse program
7 approved by the court;

8 (8.5) if convicted of a felony sex offense as defined
9 in the Sex Offender Management Board Act, the person shall
10 undergo and successfully complete sex offender treatment
11 by a treatment provider approved by the Board and conducted
12 in conformance with the standards developed under the Sex
13 Offender Management Board Act;

14 (8.6) if convicted of a sex offense as defined in the
15 Sex Offender Management Board Act, refrain from residing at
16 the same address or in the same condominium unit or
17 apartment unit or in the same condominium complex or
18 apartment complex with another person he or she knows or
19 reasonably should know is a convicted sex offender or has
20 been placed on supervision for a sex offense; the
21 provisions of this paragraph do not apply to a person
22 convicted of a sex offense who is placed in a Department of
23 Corrections licensed transitional housing facility for sex
24 offenders;

25 (8.7) if convicted for an offense committed on or after
26 June 1, 2008 (the effective date of Public Act 95-464) that

1 would qualify the accused as a child sex offender as
2 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
3 1961, refrain from communicating with or contacting, by
4 means of the Internet, a person who is not related to the
5 accused and whom the accused reasonably believes to be
6 under 18 years of age; for purposes of this paragraph
7 (8.7), "Internet" has the meaning ascribed to it in Section
8 16-0.1 ~~16-0.5~~ of the Criminal Code of 1961; and a person is
9 not related to the accused if the person is not: (i) the
10 spouse, brother, or sister of the accused; (ii) a
11 descendant of the accused; (iii) a first or second cousin
12 of the accused; or (iv) a step-child or adopted child of
13 the accused;

14 (8.8) if convicted for an offense under Section 11-6,
15 11-9.1, 11-14.4 that involves soliciting for a juvenile
16 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
17 of the Criminal Code of 1961, or any attempt to commit any
18 of these offenses, committed on or after June 1, 2009 (the
19 effective date of Public Act 95-983):

20 (i) not access or use a computer or any other
21 device with Internet capability without the prior
22 written approval of the offender's probation officer,
23 except in connection with the offender's employment or
24 search for employment with the prior approval of the
25 offender's probation officer;

26 (ii) submit to periodic unannounced examinations

1 of the offender's computer or any other device with
2 Internet capability by the offender's probation
3 officer, a law enforcement officer, or assigned
4 computer or information technology specialist,
5 including the retrieval and copying of all data from
6 the computer or device and any internal or external
7 peripherals and removal of such information,
8 equipment, or device to conduct a more thorough
9 inspection;

10 (iii) submit to the installation on the offender's
11 computer or device with Internet capability, at the
12 offender's expense, of one or more hardware or software
13 systems to monitor the Internet use; and

14 (iv) submit to any other appropriate restrictions
15 concerning the offender's use of or access to a
16 computer or any other device with Internet capability
17 imposed by the offender's probation officer;

18 (8.9) if convicted of a sex offense as defined in the
19 Sex Offender Registration Act committed on or after January
20 1, 2010 (the effective date of Public Act 96-262), refrain
21 from accessing or using a social networking website as
22 defined in Section 17-0.5 of the Criminal Code of 1961;

23 (9) if convicted of a felony, physically surrender at a
24 time and place designated by the court, his or her Firearm
25 Owner's Identification Card and any and all firearms in his
26 or her possession;

1 (10) if convicted of a sex offense as defined in
2 subsection (a-5) of Section 3-1-2 of this Code, unless the
3 offender is a parent or guardian of the person under 18
4 years of age present in the home and no non-familial minors
5 are present, not participate in a holiday event involving
6 children under 18 years of age, such as distributing candy
7 or other items to children on Halloween, wearing a Santa
8 Claus costume on or preceding Christmas, being employed as
9 a department store Santa Claus, or wearing an Easter Bunny
10 costume on or preceding Easter; and

11 (11) if convicted of a sex offense as defined in
12 Section 2 of the Sex Offender Registration Act committed on
13 or after January 1, 2010 (the effective date of Public Act
14 96-362) that requires the person to register as a sex
15 offender under that Act, may not knowingly use any computer
16 scrub software on any computer that the sex offender uses.

17 (b) The Court may in addition to other reasonable
18 conditions relating to the nature of the offense or the
19 rehabilitation of the defendant as determined for each
20 defendant in the proper discretion of the Court require that
21 the person:

22 (1) serve a term of periodic imprisonment under Article
23 7 for a period not to exceed that specified in paragraph
24 (d) of Section 5-7-1;

25 (2) pay a fine and costs;

26 (3) work or pursue a course of study or vocational

1 training;

2 (4) undergo medical, psychological or psychiatric
3 treatment; or treatment for drug addiction or alcoholism;

4 (5) attend or reside in a facility established for the
5 instruction or residence of defendants on probation;

6 (6) support his dependents;

7 (7) and in addition, if a minor:

8 (i) reside with his parents or in a foster home;

9 (ii) attend school;

10 (iii) attend a non-residential program for youth;

11 (iv) contribute to his own support at home or in a
12 foster home;

13 (v) with the consent of the superintendent of the
14 facility, attend an educational program at a facility
15 other than the school in which the offense was
16 committed if he or she is convicted of a crime of
17 violence as defined in Section 2 of the Crime Victims
18 Compensation Act committed in a school, on the real
19 property comprising a school, or within 1,000 feet of
20 the real property comprising a school;

21 (8) make restitution as provided in Section 5-5-6 of
22 this Code;

23 (9) perform some reasonable public or community
24 service;

25 (10) serve a term of home confinement. In addition to
26 any other applicable condition of probation or conditional

1 discharge, the conditions of home confinement shall be that
2 the offender:

3 (i) remain within the interior premises of the
4 place designated for his confinement during the hours
5 designated by the court;

6 (ii) admit any person or agent designated by the
7 court into the offender's place of confinement at any
8 time for purposes of verifying the offender's
9 compliance with the conditions of his confinement; and

10 (iii) if further deemed necessary by the court or
11 the Probation or Court Services Department, be placed
12 on an approved electronic monitoring device, subject
13 to Article 8A of Chapter V;

14 (iv) for persons convicted of any alcohol,
15 cannabis or controlled substance violation who are
16 placed on an approved monitoring device as a condition
17 of probation or conditional discharge, the court shall
18 impose a reasonable fee for each day of the use of the
19 device, as established by the county board in
20 subsection (g) of this Section, unless after
21 determining the inability of the offender to pay the
22 fee, the court assesses a lesser fee or no fee as the
23 case may be. This fee shall be imposed in addition to
24 the fees imposed under subsections (g) and (i) of this
25 Section. The fee shall be collected by the clerk of the
26 circuit court. The clerk of the circuit court shall pay

1 all monies collected from this fee to the county
2 treasurer for deposit in the substance abuse services
3 fund under Section 5-1086.1 of the Counties Code; and

4 (v) for persons convicted of offenses other than
5 those referenced in clause (iv) above and who are
6 placed on an approved monitoring device as a condition
7 of probation or conditional discharge, the court shall
8 impose a reasonable fee for each day of the use of the
9 device, as established by the county board in
10 subsection (g) of this Section, unless after
11 determining the inability of the defendant to pay the
12 fee, the court assesses a lesser fee or no fee as the
13 case may be. This fee shall be imposed in addition to
14 the fees imposed under subsections (g) and (i) of this
15 Section. The fee shall be collected by the clerk of the
16 circuit court. The clerk of the circuit court shall pay
17 all monies collected from this fee to the county
18 treasurer who shall use the monies collected to defray
19 the costs of corrections. The county treasurer shall
20 deposit the fee collected in the county working cash
21 fund under Section 6-27001 or Section 6-29002 of the
22 Counties Code, as the case may be.

23 (11) comply with the terms and conditions of an order
24 of protection issued by the court pursuant to the Illinois
25 Domestic Violence Act of 1986, as now or hereafter amended,
26 or an order of protection issued by the court of another

1 state, tribe, or United States territory. A copy of the
2 order of protection shall be transmitted to the probation
3 officer or agency having responsibility for the case;

4 (12) reimburse any "local anti-crime program" as
5 defined in Section 7 of the Anti-Crime Advisory Council Act
6 for any reasonable expenses incurred by the program on the
7 offender's case, not to exceed the maximum amount of the
8 fine authorized for the offense for which the defendant was
9 sentenced;

10 (13) contribute a reasonable sum of money, not to
11 exceed the maximum amount of the fine authorized for the
12 offense for which the defendant was sentenced, (i) to a
13 "local anti-crime program", as defined in Section 7 of the
14 Anti-Crime Advisory Council Act, or (ii) for offenses under
15 the jurisdiction of the Department of Natural Resources, to
16 the fund established by the Department of Natural Resources
17 for the purchase of evidence for investigation purposes and
18 to conduct investigations as outlined in Section 805-105 of
19 the Department of Natural Resources (Conservation) Law;

20 (14) refrain from entering into a designated
21 geographic area except upon such terms as the court finds
22 appropriate. Such terms may include consideration of the
23 purpose of the entry, the time of day, other persons
24 accompanying the defendant, and advance approval by a
25 probation officer, if the defendant has been placed on
26 probation or advance approval by the court, if the

1 defendant was placed on conditional discharge;

2 (15) refrain from having any contact, directly or
3 indirectly, with certain specified persons or particular
4 types of persons, including but not limited to members of
5 street gangs and drug users or dealers;

6 (16) refrain from having in his or her body the
7 presence of any illicit drug prohibited by the Cannabis
8 Control Act, the Illinois Controlled Substances Act, or the
9 Methamphetamine Control and Community Protection Act,
10 unless prescribed by a physician, and submit samples of his
11 or her blood or urine or both for tests to determine the
12 presence of any illicit drug;

13 (17) if convicted for an offense committed on or after
14 June 1, 2008 (the effective date of Public Act 95-464) that
15 would qualify the accused as a child sex offender as
16 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
17 1961, refrain from communicating with or contacting, by
18 means of the Internet, a person who is related to the
19 accused and whom the accused reasonably believes to be
20 under 18 years of age; for purposes of this paragraph (17),
21 "Internet" has the meaning ascribed to it in Section 16-0.1
22 ~~16J-5~~ of the Criminal Code of 1961; and a person is related
23 to the accused if the person is: (i) the spouse, brother,
24 or sister of the accused; (ii) a descendant of the accused;
25 (iii) a first or second cousin of the accused; or (iv) a
26 step-child or adopted child of the accused;

1 (18) if convicted for an offense committed on or after
2 June 1, 2009 (the effective date of Public Act 95-983) that
3 would qualify as a sex offense as defined in the Sex
4 Offender Registration Act:

5 (i) not access or use a computer or any other
6 device with Internet capability without the prior
7 written approval of the offender's probation officer,
8 except in connection with the offender's employment or
9 search for employment with the prior approval of the
10 offender's probation officer;

11 (ii) submit to periodic unannounced examinations
12 of the offender's computer or any other device with
13 Internet capability by the offender's probation
14 officer, a law enforcement officer, or assigned
15 computer or information technology specialist,
16 including the retrieval and copying of all data from
17 the computer or device and any internal or external
18 peripherals and removal of such information,
19 equipment, or device to conduct a more thorough
20 inspection;

21 (iii) submit to the installation on the offender's
22 computer or device with Internet capability, at the
23 subject's expense, of one or more hardware or software
24 systems to monitor the Internet use; and

25 (iv) submit to any other appropriate restrictions
26 concerning the offender's use of or access to a

1 computer or any other device with Internet capability
2 imposed by the offender's probation officer; and

3 (19) refrain from possessing a firearm or other
4 dangerous weapon where the offense is a misdemeanor that
5 did not involve the intentional or knowing infliction of
6 bodily harm or threat of bodily harm.

7 (c) The court may as a condition of probation or of
8 conditional discharge require that a person under 18 years of
9 age found guilty of any alcohol, cannabis or controlled
10 substance violation, refrain from acquiring a driver's license
11 during the period of probation or conditional discharge. If
12 such person is in possession of a permit or license, the court
13 may require that the minor refrain from driving or operating
14 any motor vehicle during the period of probation or conditional
15 discharge, except as may be necessary in the course of the
16 minor's lawful employment.

17 (d) An offender sentenced to probation or to conditional
18 discharge shall be given a certificate setting forth the
19 conditions thereof.

20 (e) Except where the offender has committed a fourth or
21 subsequent violation of subsection (c) of Section 6-303 of the
22 Illinois Vehicle Code, the court shall not require as a
23 condition of the sentence of probation or conditional discharge
24 that the offender be committed to a period of imprisonment in
25 excess of 6 months. This 6 month limit shall not include
26 periods of confinement given pursuant to a sentence of county

1 impact incarceration under Section 5-8-1.2.

2 Persons committed to imprisonment as a condition of
3 probation or conditional discharge shall not be committed to
4 the Department of Corrections.

5 (f) The court may combine a sentence of periodic
6 imprisonment under Article 7 or a sentence to a county impact
7 incarceration program under Article 8 with a sentence of
8 probation or conditional discharge.

9 (g) An offender sentenced to probation or to conditional
10 discharge and who during the term of either undergoes mandatory
11 drug or alcohol testing, or both, or is assigned to be placed
12 on an approved electronic monitoring device, shall be ordered
13 to pay all costs incidental to such mandatory drug or alcohol
14 testing, or both, and all costs incidental to such approved
15 electronic monitoring in accordance with the defendant's
16 ability to pay those costs. The county board with the
17 concurrence of the Chief Judge of the judicial circuit in which
18 the county is located shall establish reasonable fees for the
19 cost of maintenance, testing, and incidental expenses related
20 to the mandatory drug or alcohol testing, or both, and all
21 costs incidental to approved electronic monitoring, involved
22 in a successful probation program for the county. The
23 concurrence of the Chief Judge shall be in the form of an
24 administrative order. The fees shall be collected by the clerk
25 of the circuit court. The clerk of the circuit court shall pay
26 all moneys collected from these fees to the county treasurer

1 who shall use the moneys collected to defray the costs of drug
2 testing, alcohol testing, and electronic monitoring. The
3 county treasurer shall deposit the fees collected in the county
4 working cash fund under Section 6-27001 or Section 6-29002 of
5 the Counties Code, as the case may be.

6 (h) Jurisdiction over an offender may be transferred from
7 the sentencing court to the court of another circuit with the
8 concurrence of both courts. Further transfers or retransfers of
9 jurisdiction are also authorized in the same manner. The court
10 to which jurisdiction has been transferred shall have the same
11 powers as the sentencing court.

12 (i) The court shall impose upon an offender sentenced to
13 probation after January 1, 1989 or to conditional discharge
14 after January 1, 1992 or to community service under the
15 supervision of a probation or court services department after
16 January 1, 2004, as a condition of such probation or
17 conditional discharge or supervised community service, a fee of
18 \$50 for each month of probation or conditional discharge
19 supervision or supervised community service ordered by the
20 court, unless after determining the inability of the person
21 sentenced to probation or conditional discharge or supervised
22 community service to pay the fee, the court assesses a lesser
23 fee. The court may not impose the fee on a minor who is made a
24 ward of the State under the Juvenile Court Act of 1987 while
25 the minor is in placement. The fee shall be imposed only upon
26 an offender who is actively supervised by the probation and

1 court services department. The fee shall be collected by the
2 clerk of the circuit court. The clerk of the circuit court
3 shall pay all monies collected from this fee to the county
4 treasurer for deposit in the probation and court services fund
5 under Section 15.1 of the Probation and Probation Officers Act.

6 A circuit court may not impose a probation fee under this
7 subsection (i) in excess of \$25 per month unless the circuit
8 court has adopted, by administrative order issued by the chief
9 judge, a standard probation fee guide determining an offender's
10 ability to pay. Of the amount collected as a probation fee, up
11 to \$5 of that fee collected per month may be used to provide
12 services to crime victims and their families.

13 The Court may only waive probation fees based on an
14 offender's ability to pay. The probation department may
15 re-evaluate an offender's ability to pay every 6 months, and,
16 with the approval of the Director of Court Services or the
17 Chief Probation Officer, adjust the monthly fee amount. An
18 offender may elect to pay probation fees due in a lump sum. Any
19 offender that has been assigned to the supervision of a
20 probation department, or has been transferred either under
21 subsection (h) of this Section or under any interstate compact,
22 shall be required to pay probation fees to the department
23 supervising the offender, based on the offender's ability to
24 pay.

25 This amendatory Act of the 93rd General Assembly deletes
26 the \$10 increase in the fee under this subsection that was

1 imposed by Public Act 93-616. This deletion is intended to
2 control over any other Act of the 93rd General Assembly that
3 retains or incorporates that fee increase.

4 (i-5) In addition to the fees imposed under subsection (i)
5 of this Section, in the case of an offender convicted of a
6 felony sex offense (as defined in the Sex Offender Management
7 Board Act) or an offense that the court or probation department
8 has determined to be sexually motivated (as defined in the Sex
9 Offender Management Board Act), the court or the probation
10 department shall assess additional fees to pay for all costs of
11 treatment, assessment, evaluation for risk and treatment, and
12 monitoring the offender, based on that offender's ability to
13 pay those costs either as they occur or under a payment plan.

14 (j) All fines and costs imposed under this Section for any
15 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
16 Code, or a similar provision of a local ordinance, and any
17 violation of the Child Passenger Protection Act, or a similar
18 provision of a local ordinance, shall be collected and
19 disbursed by the circuit clerk as provided under Section 27.5
20 of the Clerks of Courts Act.

21 (k) Any offender who is sentenced to probation or
22 conditional discharge for a felony sex offense as defined in
23 the Sex Offender Management Board Act or any offense that the
24 court or probation department has determined to be sexually
25 motivated as defined in the Sex Offender Management Board Act
26 shall be required to refrain from any contact, directly or

1 indirectly, with any persons specified by the court and shall
2 be available for all evaluations and treatment programs
3 required by the court or the probation department.

4 (1) The court may order an offender who is sentenced to
5 probation or conditional discharge for a violation of an order
6 of protection be placed under electronic surveillance as
7 provided in Section 5-8A-7 of this Code.

8 (Source: P.A. 95-331, eff. 8-21-07; 95-464, eff. 6-1-08;
9 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff. 1-1-09;
10 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; 96-262, eff. 1-1-10;
11 96-328, eff. 8-11-09; 96-362, eff. 1-1-10; 96-695, eff.
12 8-25-09; 96-1000, eff. 7-2-10; 96-1414, eff. 1-1-11; 96-1551,
13 Article 2, Section 1065, eff. 7-1-11; 96-1551, Article 10,
14 Section 10-150, eff. 7-1-11; revised 4-21-11.)

15 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

16 (Text of Section after amendment by P.A. 96-1551)

17 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

18 (a) When a defendant is placed on supervision, the court
19 shall enter an order for supervision specifying the period of
20 such supervision, and shall defer further proceedings in the
21 case until the conclusion of the period.

22 (b) The period of supervision shall be reasonable under all
23 of the circumstances of the case, but may not be longer than 2
24 years, unless the defendant has failed to pay the assessment
25 required by Section 10.3 of the Cannabis Control Act, Section

1 411.2 of the Illinois Controlled Substances Act, or Section 80
2 of the Methamphetamine Control and Community Protection Act, in
3 which case the court may extend supervision beyond 2 years.
4 Additionally, the court shall order the defendant to perform no
5 less than 30 hours of community service and not more than 120
6 hours of community service, if community service is available
7 in the jurisdiction and is funded and approved by the county
8 board where the offense was committed, when the offense (1) was
9 related to or in furtherance of the criminal activities of an
10 organized gang or was motivated by the defendant's membership
11 in or allegiance to an organized gang; or (2) is a violation of
12 any Section of Article 24 of the Criminal Code of 1961 where a
13 disposition of supervision is not prohibited by Section 5-6-1
14 of this Code. The community service shall include, but not be
15 limited to, the cleanup and repair of any damage caused by
16 violation of Section 21-1.3 of the Criminal Code of 1961 and
17 similar damages to property located within the municipality or
18 county in which the violation occurred. Where possible and
19 reasonable, the community service should be performed in the
20 offender's neighborhood.

21 For the purposes of this Section, "organized gang" has the
22 meaning ascribed to it in Section 10 of the Illinois Streetgang
23 Terrorism Omnibus Prevention Act.

24 (c) The court may in addition to other reasonable
25 conditions relating to the nature of the offense or the
26 rehabilitation of the defendant as determined for each

1 defendant in the proper discretion of the court require that
2 the person:

3 (1) make a report to and appear in person before or
4 participate with the court or such courts, person, or
5 social service agency as directed by the court in the order
6 of supervision;

7 (2) pay a fine and costs;

8 (3) work or pursue a course of study or vocational
9 training;

10 (4) undergo medical, psychological or psychiatric
11 treatment; or treatment for drug addiction or alcoholism;

12 (5) attend or reside in a facility established for the
13 instruction or residence of defendants on probation;

14 (6) support his dependents;

15 (7) refrain from possessing a firearm or other
16 dangerous weapon;

17 (8) and in addition, if a minor:

18 (i) reside with his parents or in a foster home;

19 (ii) attend school;

20 (iii) attend a non-residential program for youth;

21 (iv) contribute to his own support at home or in a
22 foster home; or

23 (v) with the consent of the superintendent of the
24 facility, attend an educational program at a facility
25 other than the school in which the offense was
26 committed if he or she is placed on supervision for a

1 crime of violence as defined in Section 2 of the Crime
2 Victims Compensation Act committed in a school, on the
3 real property comprising a school, or within 1,000 feet
4 of the real property comprising a school;

5 (9) make restitution or reparation in an amount not to
6 exceed actual loss or damage to property and pecuniary loss
7 or make restitution under Section 5-5-6 to a domestic
8 violence shelter. The court shall determine the amount and
9 conditions of payment;

10 (10) perform some reasonable public or community
11 service;

12 (11) comply with the terms and conditions of an order
13 of protection issued by the court pursuant to the Illinois
14 Domestic Violence Act of 1986 or an order of protection
15 issued by the court of another state, tribe, or United
16 States territory. If the court has ordered the defendant to
17 make a report and appear in person under paragraph (1) of
18 this subsection, a copy of the order of protection shall be
19 transmitted to the person or agency so designated by the
20 court;

21 (12) reimburse any "local anti-crime program" as
22 defined in Section 7 of the Anti-Crime Advisory Council Act
23 for any reasonable expenses incurred by the program on the
24 offender's case, not to exceed the maximum amount of the
25 fine authorized for the offense for which the defendant was
26 sentenced;

1 (13) contribute a reasonable sum of money, not to
2 exceed the maximum amount of the fine authorized for the
3 offense for which the defendant was sentenced, (i) to a
4 "local anti-crime program", as defined in Section 7 of the
5 Anti-Crime Advisory Council Act, or (ii) for offenses under
6 the jurisdiction of the Department of Natural Resources, to
7 the fund established by the Department of Natural Resources
8 for the purchase of evidence for investigation purposes and
9 to conduct investigations as outlined in Section 805-105 of
10 the Department of Natural Resources (Conservation) Law;

11 (14) refrain from entering into a designated
12 geographic area except upon such terms as the court finds
13 appropriate. Such terms may include consideration of the
14 purpose of the entry, the time of day, other persons
15 accompanying the defendant, and advance approval by a
16 probation officer;

17 (15) refrain from having any contact, directly or
18 indirectly, with certain specified persons or particular
19 types of person, including but not limited to members of
20 street gangs and drug users or dealers;

21 (16) refrain from having in his or her body the
22 presence of any illicit drug prohibited by the Cannabis
23 Control Act, the Illinois Controlled Substances Act, or the
24 Methamphetamine Control and Community Protection Act,
25 unless prescribed by a physician, and submit samples of his
26 or her blood or urine or both for tests to determine the

1 presence of any illicit drug;

2 (17) refrain from operating any motor vehicle not
3 equipped with an ignition interlock device as defined in
4 Section 1-129.1 of the Illinois Vehicle Code; under this
5 condition the court may allow a defendant who is not
6 self-employed to operate a vehicle owned by the defendant's
7 employer that is not equipped with an ignition interlock
8 device in the course and scope of the defendant's
9 employment; and

10 (18) if placed on supervision for a sex offense as
11 defined in subsection (a-5) of Section 3-1-2 of this Code,
12 unless the offender is a parent or guardian of the person
13 under 18 years of age present in the home and no
14 non-familial minors are present, not participate in a
15 holiday event involving children under 18 years of age,
16 such as distributing candy or other items to children on
17 Halloween, wearing a Santa Claus costume on or preceding
18 Christmas, being employed as a department store Santa
19 Claus, or wearing an Easter Bunny costume on or preceding
20 Easter.

21 (d) The court shall defer entering any judgment on the
22 charges until the conclusion of the supervision.

23 (e) At the conclusion of the period of supervision, if the
24 court determines that the defendant has successfully complied
25 with all of the conditions of supervision, the court shall
26 discharge the defendant and enter a judgment dismissing the

1 charges.

2 (f) Discharge and dismissal upon a successful conclusion of
3 a disposition of supervision shall be deemed without
4 adjudication of guilt and shall not be termed a conviction for
5 purposes of disqualification or disabilities imposed by law
6 upon conviction of a crime. Two years after the discharge and
7 dismissal under this Section, unless the disposition of
8 supervision was for a violation of Sections 3-707, 3-708,
9 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
10 similar provision of a local ordinance, or for a violation of
11 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961,
12 in which case it shall be 5 years after discharge and
13 dismissal, a person may have his record of arrest sealed or
14 expunged as may be provided by law. However, any defendant
15 placed on supervision before January 1, 1980, may move for
16 sealing or expungement of his arrest record, as provided by
17 law, at any time after discharge and dismissal under this
18 Section. A person placed on supervision for a sexual offense
19 committed against a minor as defined in clause (a)(1)(L) of
20 Section 5.2 of the Criminal Identification Act or for a
21 violation of Section 11-501 of the Illinois Vehicle Code or a
22 similar provision of a local ordinance shall not have his or
23 her record of arrest sealed or expunged.

24 (g) A defendant placed on supervision and who during the
25 period of supervision undergoes mandatory drug or alcohol
26 testing, or both, or is assigned to be placed on an approved

1 electronic monitoring device, shall be ordered to pay the costs
2 incidental to such mandatory drug or alcohol testing, or both,
3 and costs incidental to such approved electronic monitoring in
4 accordance with the defendant's ability to pay those costs. The
5 county board with the concurrence of the Chief Judge of the
6 judicial circuit in which the county is located shall establish
7 reasonable fees for the cost of maintenance, testing, and
8 incidental expenses related to the mandatory drug or alcohol
9 testing, or both, and all costs incidental to approved
10 electronic monitoring, of all defendants placed on
11 supervision. The concurrence of the Chief Judge shall be in the
12 form of an administrative order. The fees shall be collected by
13 the clerk of the circuit court. The clerk of the circuit court
14 shall pay all moneys collected from these fees to the county
15 treasurer who shall use the moneys collected to defray the
16 costs of drug testing, alcohol testing, and electronic
17 monitoring. The county treasurer shall deposit the fees
18 collected in the county working cash fund under Section 6-27001
19 or Section 6-29002 of the Counties Code, as the case may be.

20 (h) A disposition of supervision is a final order for the
21 purposes of appeal.

22 (i) The court shall impose upon a defendant placed on
23 supervision after January 1, 1992 or to community service under
24 the supervision of a probation or court services department
25 after January 1, 2004, as a condition of supervision or
26 supervised community service, a fee of \$50 for each month of

1 supervision or supervised community service ordered by the
2 court, unless after determining the inability of the person
3 placed on supervision or supervised community service to pay
4 the fee, the court assesses a lesser fee. The court may not
5 impose the fee on a minor who is made a ward of the State under
6 the Juvenile Court Act of 1987 while the minor is in placement.
7 The fee shall be imposed only upon a defendant who is actively
8 supervised by the probation and court services department. The
9 fee shall be collected by the clerk of the circuit court. The
10 clerk of the circuit court shall pay all monies collected from
11 this fee to the county treasurer for deposit in the probation
12 and court services fund pursuant to Section 15.1 of the
13 Probation and Probation Officers Act.

14 A circuit court may not impose a probation fee in excess of
15 \$25 per month unless the circuit court has adopted, by
16 administrative order issued by the chief judge, a standard
17 probation fee guide determining an offender's ability to pay.
18 Of the amount collected as a probation fee, not to exceed \$5 of
19 that fee collected per month may be used to provide services to
20 crime victims and their families.

21 The Court may only waive probation fees based on an
22 offender's ability to pay. The probation department may
23 re-evaluate an offender's ability to pay every 6 months, and,
24 with the approval of the Director of Court Services or the
25 Chief Probation Officer, adjust the monthly fee amount. An
26 offender may elect to pay probation fees due in a lump sum. Any

1 offender that has been assigned to the supervision of a
2 probation department, or has been transferred either under
3 subsection (h) of this Section or under any interstate compact,
4 shall be required to pay probation fees to the department
5 supervising the offender, based on the offender's ability to
6 pay.

7 (j) All fines and costs imposed under this Section for any
8 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
9 Code, or a similar provision of a local ordinance, and any
10 violation of the Child Passenger Protection Act, or a similar
11 provision of a local ordinance, shall be collected and
12 disbursed by the circuit clerk as provided under Section 27.5
13 of the Clerks of Courts Act.

14 (k) A defendant at least 17 years of age who is placed on
15 supervision for a misdemeanor in a county of 3,000,000 or more
16 inhabitants and who has not been previously convicted of a
17 misdemeanor or felony may as a condition of his or her
18 supervision be required by the court to attend educational
19 courses designed to prepare the defendant for a high school
20 diploma and to work toward a high school diploma or to work
21 toward passing the high school level Test of General
22 Educational Development (GED) or to work toward completing a
23 vocational training program approved by the court. The
24 defendant placed on supervision must attend a public
25 institution of education to obtain the educational or
26 vocational training required by this subsection (k). The

1 defendant placed on supervision shall be required to pay for
2 the cost of the educational courses or GED test, if a fee is
3 charged for those courses or test. The court shall revoke the
4 supervision of a person who wilfully fails to comply with this
5 subsection (k). The court shall resentence the defendant upon
6 revocation of supervision as provided in Section 5-6-4. This
7 subsection (k) does not apply to a defendant who has a high
8 school diploma or has successfully passed the GED test. This
9 subsection (k) does not apply to a defendant who is determined
10 by the court to be developmentally disabled or otherwise
11 mentally incapable of completing the educational or vocational
12 program.

13 (l) The court shall require a defendant placed on
14 supervision for possession of a substance prohibited by the
15 Cannabis Control Act, the Illinois Controlled Substances Act,
16 or the Methamphetamine Control and Community Protection Act
17 after a previous conviction or disposition of supervision for
18 possession of a substance prohibited by the Cannabis Control
19 Act, the Illinois Controlled Substances Act, or the
20 Methamphetamine Control and Community Protection Act or a
21 sentence of probation under Section 10 of the Cannabis Control
22 Act or Section 410 of the Illinois Controlled Substances Act
23 and after a finding by the court that the person is addicted,
24 to undergo treatment at a substance abuse program approved by
25 the court.

26 (m) The Secretary of State shall require anyone placed on

1 court supervision for a violation of Section 3-707 of the
2 Illinois Vehicle Code or a similar provision of a local
3 ordinance to give proof of his or her financial responsibility
4 as defined in Section 7-315 of the Illinois Vehicle Code. The
5 proof shall be maintained by the individual in a manner
6 satisfactory to the Secretary of State for a minimum period of
7 3 years after the date the proof is first filed. The proof
8 shall be limited to a single action per arrest and may not be
9 affected by any post-sentence disposition. The Secretary of
10 State shall suspend the driver's license of any person
11 determined by the Secretary to be in violation of this
12 subsection.

13 (n) Any offender placed on supervision for any offense that
14 the court or probation department has determined to be sexually
15 motivated as defined in the Sex Offender Management Board Act
16 shall be required to refrain from any contact, directly or
17 indirectly, with any persons specified by the court and shall
18 be available for all evaluations and treatment programs
19 required by the court or the probation department.

20 (o) An offender placed on supervision for a sex offense as
21 defined in the Sex Offender Management Board Act shall refrain
22 from residing at the same address or in the same condominium
23 unit or apartment unit or in the same condominium complex or
24 apartment complex with another person he or she knows or
25 reasonably should know is a convicted sex offender or has been
26 placed on supervision for a sex offense. The provisions of this

1 subsection (o) do not apply to a person convicted of a sex
2 offense who is placed in a Department of Corrections licensed
3 transitional housing facility for sex offenders.

4 (p) An offender placed on supervision for an offense
5 committed on or after June 1, 2008 (the effective date of
6 Public Act 95-464) that would qualify the accused as a child
7 sex offender as defined in Section 11-9.3 or 11-9.4 of the
8 Criminal Code of 1961 shall refrain from communicating with or
9 contacting, by means of the Internet, a person who is not
10 related to the accused and whom the accused reasonably believes
11 to be under 18 years of age. For purposes of this subsection
12 (p), "Internet" has the meaning ascribed to it in Section
13 16-0.1 ~~16J-5~~ of the Criminal Code of 1961; and a person is not
14 related to the accused if the person is not: (i) the spouse,
15 brother, or sister of the accused; (ii) a descendant of the
16 accused; (iii) a first or second cousin of the accused; or (iv)
17 a step-child or adopted child of the accused.

18 (q) An offender placed on supervision for an offense
19 committed on or after June 1, 2008 (the effective date of
20 Public Act 95-464) that would qualify the accused as a child
21 sex offender as defined in Section 11-9.3 or 11-9.4 of the
22 Criminal Code of 1961 shall, if so ordered by the court,
23 refrain from communicating with or contacting, by means of the
24 Internet, a person who is related to the accused and whom the
25 accused reasonably believes to be under 18 years of age. For
26 purposes of this subsection (q), "Internet" has the meaning

1 ascribed to it in Section 16-0.1 ~~16J-5~~ of the Criminal Code of
2 1961; and a person is related to the accused if the person is:
3 (i) the spouse, brother, or sister of the accused; (ii) a
4 descendant of the accused; (iii) a first or second cousin of
5 the accused; or (iv) a step-child or adopted child of the
6 accused.

7 (r) An offender placed on supervision for an offense under
8 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a
9 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or
10 11-21 of the Criminal Code of 1961, or any attempt to commit
11 any of these offenses, committed on or after the effective date
12 of this amendatory Act of the 95th General Assembly shall:

13 (i) not access or use a computer or any other device
14 with Internet capability without the prior written
15 approval of the court, except in connection with the
16 offender's employment or search for employment with the
17 prior approval of the court;

18 (ii) submit to periodic unannounced examinations of
19 the offender's computer or any other device with Internet
20 capability by the offender's probation officer, a law
21 enforcement officer, or assigned computer or information
22 technology specialist, including the retrieval and copying
23 of all data from the computer or device and any internal or
24 external peripherals and removal of such information,
25 equipment, or device to conduct a more thorough inspection;

26 (iii) submit to the installation on the offender's

1 computer or device with Internet capability, at the
2 offender's expense, of one or more hardware or software
3 systems to monitor the Internet use; and

4 (iv) submit to any other appropriate restrictions
5 concerning the offender's use of or access to a computer or
6 any other device with Internet capability imposed by the
7 court.

8 (s) An offender placed on supervision for an offense that
9 is a sex offense as defined in Section 2 of the Sex Offender
10 Registration Act that is committed on or after January 1, 2010
11 (the effective date of Public Act 96-362) that requires the
12 person to register as a sex offender under that Act, may not
13 knowingly use any computer scrub software on any computer that
14 the sex offender uses.

15 (t) An offender placed on supervision for a sex offense as
16 defined in the Sex Offender Registration Act committed on or
17 after January 1, 2010 (the effective date of Public Act 96-262)
18 shall refrain from accessing or using a social networking
19 website as defined in Section 17-0.5 of the Criminal Code of
20 1961.

21 (Source: P.A. 95-211, eff. 1-1-08; 95-331, eff. 8-21-07;
22 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; 95-876, eff. 8-21-08;
23 95-983, eff. 6-1-09; 96-262, eff. 1-1-10; 96-362, eff. 1-1-10;
24 96-409, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1414, eff.
25 1-1-11; 96-1551, Article 2, Section 1065, eff. 7-1-11; 96-1551,
26 Article 10, Section 10-150, eff. 7-1-11; revised 4-18-11.)

1 Section 960. The Consumer Fraud and Deceptive Business
2 Practices Act is amended by changing Sections 2MM and 2VV as
3 follows:

4 (815 ILCS 505/2MM)

5 Sec. 2MM. Verification of accuracy of consumer reporting
6 information used to extend consumers credit and security freeze
7 on credit reports.

8 (a) A credit card issuer who mails an offer or solicitation
9 to apply for a credit card and who receives a completed
10 application in response to the offer or solicitation which
11 lists an address that is not substantially the same as the
12 address on the offer or solicitation may not issue a credit
13 card based on that application until reasonable steps have been
14 taken to verify the applicant's change of address.

15 (b) Any person who uses a consumer credit report in
16 connection with the approval of credit based on the application
17 for an extension of credit, and who has received notification
18 of a police report filed with a consumer reporting agency that
19 the applicant has been a victim of financial identity theft, as
20 defined in Section 16-30 or 16G-15 of the Criminal Code of
21 1961, may not lend money or extend credit without taking
22 reasonable steps to verify the consumer's identity and confirm
23 that the application for an extension of credit is not the
24 result of financial identity theft.

1 (c) A consumer may request that a security freeze be placed
2 on his or her credit report by sending a request in writing by
3 certified mail to a consumer reporting agency at an address
4 designated by the consumer reporting agency to receive such
5 requests. This subsection (c) does not prevent a consumer
6 reporting agency from advising a third party that a security
7 freeze is in effect with respect to the consumer's credit
8 report.

9 (d) A consumer reporting agency shall place a security
10 freeze on a consumer's credit report no later than 5 business
11 days after receiving a written request from the consumer:

12 (1) a written request described in subsection (c);

13 (2) proper identification; and

14 (3) payment of a fee, if applicable.

15 (e) Upon placing the security freeze on the consumer's
16 credit report, the consumer reporting agency shall send to the
17 consumer within 10 business days a written confirmation of the
18 placement of the security freeze and a unique personal
19 identification number or password or similar device, other than
20 the consumer's Social Security number, to be used by the
21 consumer when providing authorization for the release of his or
22 her credit report for a specific party or period of time.

23 (f) If the consumer wishes to allow his or her credit
24 report to be accessed for a specific party or period of time
25 while a freeze is in place, he or she shall contact the
26 consumer reporting agency using a point of contact designated

1 by the consumer reporting agency, request that the freeze be
2 temporarily lifted, and provide the following:

3 (1) Proper identification;

4 (2) The unique personal identification number or
5 password or similar device provided by the consumer
6 reporting agency;

7 (3) The proper information regarding the third party or
8 time period for which the report shall be available to
9 users of the credit report; and

10 (4) A fee, if applicable.

11 (g) A consumer reporting agency shall develop a contact
12 method to receive and process a request from a consumer to
13 temporarily lift a freeze on a credit report pursuant to
14 subsection (f) in an expedited manner.

15 A contact method under this subsection shall include: (i) a
16 postal address; and (ii) an electronic contact method chosen by
17 the consumer reporting agency, which may include the use of
18 telephone, fax, Internet, or other electronic means.

19 (h) A consumer reporting agency that receives a request
20 from a consumer to temporarily lift a freeze on a credit report
21 pursuant to subsection (f), shall comply with the request no
22 later than 3 business days after receiving the request.

23 (i) A consumer reporting agency shall remove or temporarily
24 lift a freeze placed on a consumer's credit report only in the
25 following cases:

26 (1) upon consumer request, pursuant to subsection (f)

1 or subsection (1) of this Section; or

2 (2) if the consumer's credit report was frozen due to a
3 material misrepresentation of fact by the consumer.

4 If a consumer reporting agency intends to remove a freeze
5 upon a consumer's credit report pursuant to this subsection,
6 the consumer reporting agency shall notify the consumer in
7 writing prior to removing the freeze on the consumer's credit
8 report.

9 (j) If a third party requests access to a credit report on
10 which a security freeze is in effect, and this request is in
11 connection with an application for credit or any other use, and
12 the consumer does not allow his or her credit report to be
13 accessed for that specific party or period of time, the third
14 party may treat the application as incomplete.

15 (k) If a consumer requests a security freeze, the credit
16 reporting agency shall disclose to the consumer the process of
17 placing and temporarily lifting a security freeze, and the
18 process for allowing access to information from the consumer's
19 credit report for a specific party or period of time while the
20 freeze is in place.

21 (l) A security freeze shall remain in place until the
22 consumer requests, using a point of contact designated by the
23 consumer reporting agency, that the security freeze be removed.
24 A credit reporting agency shall remove a security freeze within
25 3 business days of receiving a request for removal from the
26 consumer, who provides:

1 (1) Proper identification;

2 (2) The unique personal identification number or
3 password or similar device provided by the consumer
4 reporting agency; and

5 (3) A fee, if applicable.

6 (m) A consumer reporting agency shall require proper
7 identification of the person making a request to place or
8 remove a security freeze.

9 (n) The provisions of subsections (c) through (m) of this
10 Section do not apply to the use of a consumer credit report by
11 any of the following:

12 (1) A person or entity, or a subsidiary, affiliate, or
13 agent of that person or entity, or an assignee of a
14 financial obligation owing by the consumer to that person
15 or entity, or a prospective assignee of a financial
16 obligation owing by the consumer to that person or entity
17 in conjunction with the proposed purchase of the financial
18 obligation, with which the consumer has or had prior to
19 assignment an account or contract, including a demand
20 deposit account, or to whom the consumer issued a
21 negotiable instrument, for the purposes of reviewing the
22 account or collecting the financial obligation owing for
23 the account, contract, or negotiable instrument. For
24 purposes of this subsection, "reviewing the account"
25 includes activities related to account maintenance,
26 monitoring, credit line increases, and account upgrades

1 and enhancements.

2 (2) A subsidiary, affiliate, agent, assignee, or
3 prospective assignee of a person to whom access has been
4 granted under subsection (f) of this Section for purposes
5 of facilitating the extension of credit or other
6 permissible use.

7 (3) Any state or local agency, law enforcement agency,
8 trial court, or private collection agency acting pursuant
9 to a court order, warrant, or subpoena.

10 (4) A child support agency acting pursuant to Title
11 IV-D of the Social Security Act.

12 (5) The State or its agents or assigns acting to
13 investigate fraud.

14 (6) The Department of Revenue or its agents or assigns
15 acting to investigate or collect delinquent taxes or unpaid
16 court orders or to fulfill any of its other statutory
17 responsibilities.

18 (7) The use of credit information for the purposes of
19 prescreening as provided for by the federal Fair Credit
20 Reporting Act.

21 (8) Any person or entity administering a credit file
22 monitoring subscription or similar service to which the
23 consumer has subscribed.

24 (9) Any person or entity for the purpose of providing a
25 consumer with a copy of his or her credit report or score
26 upon the consumer's request.

1 (10) Any person using the information in connection
2 with the underwriting of insurance.

3 (n-5) This Section does not prevent a consumer reporting
4 agency from charging a fee of no more than \$10 to a consumer
5 for each freeze, removal, or temporary lift of the freeze,
6 regarding access to a consumer credit report, except that a
7 consumer reporting agency may not charge a fee to (i) a
8 consumer 65 years of age or over for placement and removal of a
9 freeze, or (ii) a victim of identity theft who has submitted to
10 the consumer reporting agency a valid copy of a police report,
11 investigative report, or complaint that the consumer has filed
12 with a law enforcement agency about unlawful use of his or her
13 personal information by another person.

14 (o) If a security freeze is in place, a consumer reporting
15 agency shall not change any of the following official
16 information in a credit report without sending a written
17 confirmation of the change to the consumer within 30 days of
18 the change being posted to the consumer's file: (i) name, (ii)
19 date of birth, (iii) Social Security number, and (iv) address.
20 Written confirmation is not required for technical
21 modifications of a consumer's official information, including
22 name and street abbreviations, complete spellings, or
23 transposition of numbers or letters. In the case of an address
24 change, the written confirmation shall be sent to both the new
25 address and to the former address.

26 (p) The following entities are not required to place a

1 security freeze in a consumer report, however, pursuant to
2 paragraph (3) of this subsection, a consumer reporting agency
3 acting as a reseller shall honor any security freeze placed on
4 a consumer credit report by another consumer reporting agency:

5 (1) A check services or fraud prevention services
6 company, which issues reports on incidents of fraud or
7 authorizations for the purpose of approving or processing
8 negotiable instruments, electronic funds transfers, or
9 similar methods of payment.

10 (2) A deposit account information service company,
11 which issues reports regarding account closures due to
12 fraud, substantial overdrafts, ATM abuse, or similar
13 negative information regarding a consumer to inquiring
14 banks or other financial institutions for use only in
15 reviewing a consumer request for a deposit account at the
16 inquiring bank or financial institution.

17 (3) A consumer reporting agency that:

18 (A) acts only to resell credit information by
19 assembling and merging information contained in a
20 database of one or more consumer reporting agencies;
21 and

22 (B) does not maintain a permanent database of
23 credit information from which new credit reports are
24 produced.

25 (q) For purposes of this Section:

26 "Credit report" has the same meaning as "consumer report",

1 as ascribed to it in 15 U.S.C. Sec. 1681a(d).

2 "Consumer reporting agency" has the meaning ascribed to it
3 in 15 U.S.C. Sec. 1681a(f).

4 "Security freeze" means a notice placed in a consumer's
5 credit report, at the request of the consumer and subject to
6 certain exceptions, that prohibits the consumer reporting
7 agency from releasing the consumer's credit report or score
8 relating to an extension of credit, without the express
9 authorization of the consumer.

10 "Extension of credit" does not include an increase in an
11 existing open-end credit plan, as defined in Regulation Z of
12 the Federal Reserve System (12 C.F.R. 226.2), or any change to
13 or review of an existing credit account.

14 "Proper identification" means information generally deemed
15 sufficient to identify a person. Only if the consumer is unable
16 to reasonably identify himself or herself with the information
17 described above, may a consumer reporting agency require
18 additional information concerning the consumer's employment
19 and personal or family history in order to verify his or her
20 identity.

21 (r) Any person who violates this Section commits an
22 unlawful practice within the meaning of this Act.

23 (Source: P.A. 94-74, eff. 1-1-06; 94-799, eff. 1-1-07; 95-331,
24 eff. 8-21-07.)

25 (815 ILCS 505/2VV)

1 Sec. 2VV. Credit and public utility service; identity
2 theft. It is an unlawful practice for a person to deny credit
3 or public utility service to or reduce the credit limit of a
4 consumer solely because the consumer has been a victim of
5 identity theft as defined in Section 16-30 or 16G-15 of the
6 Criminal Code of 1961, if the consumer:

7 (1) has provided a copy of an identity theft report as
8 defined under the federal Fair Credit Reporting Act and
9 implementing regulations evidencing the consumer's claim
10 of identity theft;

11 (2) has provided a properly completed copy of a
12 standardized affidavit of identity theft developed and
13 made available by the Federal Trade Commission pursuant to
14 15 U.S.C. 1681g or an affidavit of fact that is acceptable
15 to the person for that purpose;

16 (3) has obtained placement of an extended fraud alert
17 in his or her file maintained by a nationwide consumer
18 reporting agency, in accordance with the requirements of
19 the federal Fair Credit Reporting Act; and

20 (4) is able to establish his or her identity and
21 address to the satisfaction of the person providing credit
22 or utility services.

23 (Source: P.A. 94-37, eff. 6-16-05; 95-331, eff. 8-21-07.)

24 Section 999. Effective date. This Act takes effect January
25 1, 2012.