

1 AN ACT concerning digital assets.

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

4 Section 1. Short title. This Act may be cited as the
5 Revised Uniform Fiduciary Access to Digital Assets Act (2015).

6 Section 2. Definitions. In this Act:

7 (1) "Account" means an arrangement under a
8 terms-of-service agreement in which a custodian carries,
9 maintains, processes, receives, or stores a digital asset of
10 the user or provides goods or services to the user.

11 (2) "Agent" means an attorney-in-fact granted authority
12 under a durable or nondurable power of attorney.

13 (3) "Carries" means engages in the transmission of an
14 electronic communication.

15 (4) "Catalogue of electronic communications" means
16 information that identifies each person with which a user has
17 had an electronic communication, the time and date of the
18 communication, and the electronic address of the person.

19 (5) "Guardian" means a person appointed by a court to
20 manage the estate of a living individual. The term includes a
21 standby or temporary guardian.

22 (6) "Content of an electronic communication" means
23 information concerning the substance or meaning of the

1 communication which:

2 (A) has been sent or received by a user;

3 (B) is in electronic storage by a custodian providing
4 an electronic-communication service to the public or is
5 carried or maintained by a custodian providing a
6 remote-computing service to the public; and

7 (C) is not readily accessible to the public.

8 (7) "Court" means a court of competent jurisdiction.

9 (8) "Custodian" means a person that carries, maintains,
10 processes, receives, or stores a digital asset of a user.

11 (9) "Designated recipient" means a person chosen by a user
12 using an online tool to administer digital assets of the user.

13 (10) "Digital asset" means an electronic record in which an
14 individual has a right or interest. The term does not include
15 an underlying asset or liability unless the asset or liability
16 is itself an electronic record.

17 (11) "Electronic" means relating to technology having
18 electrical, digital, magnetic, wireless, optical,
19 electromagnetic, or similar capabilities.

20 (12) "Electronic communication" has the meaning set forth
21 in 18 U.S.C. Section 2510(12), as amended.

22 (13) "Electronic communication service" means a custodian
23 that provides to a user the ability to send or receive an
24 electronic communication.

25 (14) "Fiduciary" means an original, additional, or
26 successor personal representative, guardian, agent, or

1 trustee.

2 (15) "Information" means data, text, images, videos,
3 sounds, codes, computer programs, software, databases, or the
4 like.

5 (16) "Online tool" means an electronic service provided by
6 a custodian that allows a user in an agreement distinct from
7 the terms-of-service agreement between the custodian and user,
8 to provide directions for disclosure or nondisclosure of
9 digital assets to a third person.

10 (17) "Person" means an individual, estate, business or
11 nonprofit entity, public corporation, government or
12 governmental subdivision, agency, or instrumentality, or other
13 legal entity.

14 (18) "Personal representative" means an executor,
15 administrator, special administrator, or person that performs
16 substantially the same function under law of this state other
17 than this Act.

18 (19) "Power of attorney" means a record that grants an
19 agent authority to act in the place of a principal.

20 (20) "Principal" means an individual who grants authority
21 to an agent in a power of attorney.

22 (21) "Person with a disability" means an individual for
23 whom a guardian has been appointed. The term includes an
24 individual for whom an application for the appointment of a
25 guardian is pending.

26 (22) "Record" means information that is inscribed on a

1 tangible medium or that is stored in an electronic or other
2 medium and is retrievable in perceivable form.

3 (23) "Remote-computing service" means a custodian that
4 provides to a user computer-processing services or the storage
5 of digital assets by means of an electronic communications
6 system, as defined in 18 U.S.C. Section 2510(14), as amended.

7 (24) "Terms-of-service agreement" means an agreement that
8 controls the relationship between a user and a custodian.

9 (25) "Trustee" means a fiduciary with legal title to
10 property under an agreement or declaration that creates a
11 beneficial interest in another. The term includes a successor
12 trustee.

13 (26) "User" means a person that has an account with a
14 custodian.

15 (27) "Will" includes a codicil, testamentary instrument
16 that only appoints an executor, and instrument that revokes or
17 revises a testamentary instrument.

18 Section 3. Applicability.

19 (a) This Act applies to:

20 (1) a fiduciary acting under a will or power of
21 attorney executed before, on, or after the effective date
22 of this Act;

23 (2) a personal representative acting for a decedent who
24 died before, on, or after the effective date of this Act;

25 (3) a guardianship proceeding commenced before, on, or

1 after the effective date of this Act; and

2 (4) a trustee acting under a trust created before, on,
3 or after the effective date of this Act.

4 (b) This Act applies to a custodian if the user resides in
5 this state or resided in this state at the time of the user's
6 death.

7 (c) This Act does not apply to a digital asset of an
8 employer used by an employee in the ordinary course of the
9 employer's business.

10 Section 4. User direction for disclosure of digital assets.

11 (a) A user may use an online tool to direct the custodian
12 to disclose to a designated recipient or not to disclose some
13 or all of the user's digital assets, including the content of
14 electronic communications. If the online tool allows the user
15 to modify or delete a direction at all times, a direction
16 regarding disclosure using an online tool overrides a contrary
17 direction by the user in a will, trust, power of attorney, or
18 other record.

19 (b) If a user has not used an online tool to give direction
20 under subsection (a) or if the custodian has not provided an
21 online tool, the user may allow or prohibit in a will, trust,
22 power of attorney, or other record, disclosure to a fiduciary
23 of some or all of the user's digital assets, including the
24 content of electronic communications sent or received by the
25 user.

1 (c) A user's direction under subsection (a) or (b)
2 overrides a contrary provision in a terms-of-service agreement
3 that does not require the user to act affirmatively and
4 distinctly from the user's assent to the terms of service.

5 Section 5. Terms-of-service agreement.

6 (a) This Act does not change or impair a right of a
7 custodian or a user under a terms-of-service agreement to
8 access and use digital assets of the user.

9 (b) This Act does not give a fiduciary or designated
10 recipient any new or expanded rights other than those held by
11 the user for whom, or for whose estate, the fiduciary or
12 designated recipient acts or represents.

13 (c) A fiduciary's or designated recipient's access to
14 digital assets may be modified or eliminated by a user, by
15 federal law, or by a terms-of-service agreement if the user has
16 not provided direction under Section 4.

17 Section 6. Procedure for disclosing digital assets.

18 (a) When disclosing digital assets of a user under this
19 Act, the custodian may at its sole discretion:

20 (1) grant a fiduciary or designated recipient full
21 access to the user's account;

22 (2) grant a fiduciary or designated recipient partial
23 access to the user's account sufficient to perform the
24 tasks with which the fiduciary or designated recipient is

1 charged; or

2 (3) provide a fiduciary or designated recipient a copy
3 in a record of any digital asset that, on the date the
4 custodian received the request for disclosure, the user
5 could have accessed if the user were alive and had full
6 capacity and access to the account.

7 (b) A custodian may assess a reasonable administrative
8 charge for the cost of disclosing digital assets under this
9 Act.

10 (c) A custodian need not disclose under this Act a digital
11 asset deleted by a user.

12 (d) If a user directs or a fiduciary requests a custodian
13 to disclose under this Act some, but not all, of the user's
14 digital assets, the custodian need not disclose the assets if
15 segregation of the assets would impose an undue burden on the
16 custodian. If the custodian believes the direction or request
17 imposes an undue burden, the custodian or fiduciary may seek an
18 order from the court to disclose:

19 (1) a subset limited by date of the user's digital
20 assets;

21 (2) all of the user's digital assets to the fiduciary
22 or designated recipient;

23 (3) none of the user's digital assets; or

24 (4) all of the user's digital assets to the court for
25 review in camera.

1 Section 7. Disclosure of content of electronic
2 communications of deceased user. If a deceased user consented
3 or a court directs disclosure of the contents of electronic
4 communications of the user, the custodian shall disclose to the
5 personal representative of the estate of the user the content
6 of an electronic communication sent or received by the user if
7 the representative gives the custodian:

8 (1) a written request for disclosure in physical or
9 electronic form;

10 (2) a certified copy of the death certificate of the
11 user;

12 (3) a certified copy of the letter of appointment of
13 the representative or a court order;

14 (4) unless the user provided direction using an online
15 tool, a copy of the user's will, trust, power of attorney,
16 or other record evidencing the user's consent to disclosure
17 of the content of electronic communications; and

18 (5) if requested by the custodian:

19 (A) a number, username, address, or other unique
20 subscriber or account identifier assigned by the
21 custodian to identify the user's account;

22 (B) evidence linking the account to the user; or

23 (C) a finding by the court that:

24 (i) the user had a specific account with the
25 custodian, identifiable by the information
26 specified in subparagraph (A);

1 (ii) disclosure of the content of electronic
2 communications of the user would not violate 18
3 U.S.C. Section 2701 et seq., as amended, 47 U.S.C.
4 Section 222, as amended, or other applicable law;

5 (iii) unless the user provided direction using
6 an online tool, the user consented to disclosure of
7 the content of electronic communications; or

8 (iv) disclosure of the content of electronic
9 communications of the user is permitted under this
10 Act and reasonably necessary for administration of
11 the estate.

12 Section 8. Disclosure of other digital assets of deceased
13 user. Unless the user prohibited disclosure of digital assets
14 or the court directs otherwise, a custodian shall disclose to
15 the personal representative of the estate of a deceased user a
16 catalogue of electronic communications sent or received by the
17 user and digital assets, other than the content of electronic
18 communications, of the user, if the representative gives the
19 custodian:

20 (1) a written request for disclosure in physical or
21 electronic form;

22 (2) a certified copy of the death certificate of the
23 user;

24 (3) a certified copy of the letter of appointment of
25 the representative or a court order; and

1 (4) if requested by the custodian:

2 (A) a number, username, address, or other unique
3 subscriber or account identifier assigned by the
4 custodian to identify the user's account;

5 (B) evidence linking the account to the user;

6 (C) an affidavit stating that disclosure of the
7 user's digital assets is reasonably necessary for
8 administration of the estate; or

9 (D) a finding by the court that:

10 (i) (blank);

11 (ii) disclosure of the user's digital assets
12 is permitted under this Act and reasonably
13 necessary for administration of the estate.

14 Section 9. Disclosure of content of electronic
15 communications of principal. To the extent a power of attorney
16 expressly grants an agent authority over the content of
17 electronic communications sent or received by the principal and
18 unless directed otherwise by the principal or the court, a
19 custodian shall disclose to the agent the content if the agent
20 gives the custodian:

21 (1) a written request for disclosure in physical or
22 electronic form;

23 (2) an original or copy of the power of attorney
24 expressly granting the agent authority over the content of
25 electronic communications of the principal;

1 (3) a certification by the agent, under penalty of
2 perjury, that the power of attorney is in effect; and

3 (4) if requested by the custodian:

4 (A) a number, username, address, or other unique
5 subscriber or account identifier assigned by the
6 custodian to identify the principal's account; or

7 (B) evidence linking the account to the principal.

8 Section 10. Disclosure of other digital assets of
9 principal. Unless otherwise ordered by the court, directed by
10 the principal, or provided by a power of attorney, a custodian
11 shall disclose to an agent with specific authority over digital
12 assets or general authority to act on behalf of a principal a
13 catalogue of electronic communications sent or received by the
14 principal and digital assets, other than the content of
15 electronic communications, of the principal if the agent gives
16 the custodian:

17 (1) a written request for disclosure in physical or
18 electronic form;

19 (2) an original or a copy of the power of attorney that
20 gives the agent specific authority over digital assets or
21 general authority to act on behalf of the principal;

22 (3) a certification by the agent, under penalty of
23 perjury, that the power of attorney is in effect; and

24 (4) if requested by the custodian:

25 (A) a number, username, address, or other unique

1 subscriber or account identifier assigned by the
2 custodian to identify the principal's account; or
3 (B) evidence linking the account to the principal.

4 Section 11. Disclosure of digital assets held in trust when
5 trustee is original user. Unless otherwise ordered by the court
6 or provided in a trust, a custodian shall disclose to a trustee
7 that is an original user of an account any digital asset of the
8 account held in trust, including a catalogue of electronic
9 communications of the trustee and the content of electronic
10 communications.

11 Section 12. Disclosure of contents of electronic
12 communications held in trust when trustee not original user.
13 Unless otherwise ordered by the court, directed by the user, or
14 provided in a trust, a custodian shall disclose to a trustee
15 that is not an original user of an account the content of an
16 electronic communication sent or received by an original or
17 successor user and carried, maintained, processed, received,
18 or stored by the custodian in the account of the trust if the
19 trustee gives the custodian:

20 (1) a written request for disclosure in physical or
21 electronic form;

22 (2) a certified copy of the trust instrument that
23 includes consent to disclosure of the content of electronic
24 communications to the trustee;

1 (3) a certification by the trustee, under penalty of
2 perjury, that the trust exists and the trustee is a
3 currently acting trustee of the trust; and

4 (4) if requested by the custodian:

5 (A) a number, username, address, or other unique
6 subscriber or account identifier assigned by the
7 custodian to identify the trust's account; or

8 (B) evidence linking the account to the trust.

9 Section 13. Disclosure of other digital assets held in
10 trust when trustee not original user. Unless otherwise ordered
11 by the court, directed by the user, or provided in a trust, a
12 custodian shall disclose, to a trustee that is not an original
13 user of an account, a catalogue of electronic communications
14 sent or received by an original or successor user and stored,
15 carried, or maintained by the custodian in an account of the
16 trust and any digital assets, other than the content of
17 electronic communications, in which the trust has a right or
18 interest if the trustee gives the custodian:

19 (1) a written request for disclosure in physical or
20 electronic form;

21 (2) a certified copy of the trust instrument;

22 (3) a certification by the trustee, under penalty of
23 perjury, that the trust exists and the trustee is a
24 currently acting trustee of the trust; and

25 (4) if requested by the custodian:

- 1 (A) a number, username, address, or other unique
2 subscriber or account identifier assigned by the
3 custodian to identify the trust's account; or
4 (B) evidence linking the account to the trust.

5 Section 14. Disclosure of contents of electronic
6 communications and digital assets to guardian of person with a
7 disability. (a) After an opportunity for a hearing under
8 Article XIa of the Probate Act of 1975, the court may direct
9 the disclosure of the digital assets of a person with a
10 disability to his or her guardian.

11 (b) Unless otherwise ordered by the court or directed by
12 the user, a custodian shall disclose to a guardian the
13 catalogue of electronic communications sent or received by a
14 person with a disability and any digital assets, other than the
15 content of electronic communications, in which the person with
16 a disability has a right or interest if the guardian gives the
17 custodian:

18 (1) a written request for disclosure in physical or
19 electronic form;

20 (2) a certified copy of the court order that gives the
21 guardian authority over the digital assets of the person
22 with a disability; and

23 (3) if requested by the custodian:

24 (A) a number, username, address, or other unique
25 subscriber or account identifier assigned by the

1 custodian to identify the account of the person with a
2 disability; or

3 (B) evidence linking the account to the person with
4 a disability.

5 (c) A guardian with general authority to manage the assets
6 of a person with a disability may request a custodian of the
7 digital assets of the person with a disability to suspend or
8 terminate an account of the person with a disability for good
9 cause. A request made under this Section must be accompanied by
10 a certified copy of the court order giving the guardian
11 authority over the protected person's property.

12 Section 15. Fiduciary duty and authority.

13 (a) (Blank).

14 (b) A fiduciary's or designated recipient's authority with
15 respect to a digital asset of a user:

16 (1) except as otherwise provided in Section 4, is
17 subject to the applicable terms of service;

18 (2) is subject to other applicable law, including
19 copyright law;

20 (3) in the case of a fiduciary, is limited by the scope
21 of the fiduciary's duties under Illinois law; and

22 (4) may not be used to impersonate the user.

23 (c) A fiduciary with authority over the property of a
24 decedent, person with a disability, principal, or settlor has
25 the right to access any digital asset in which the decedent,

1 person with a disability, principal, or settlor had a right or
2 interest and that is not held by a custodian or subject to a
3 terms-of-service agreement.

4 (d) A fiduciary acting within the scope of the fiduciary's
5 duties is an authorized user of the property of the decedent,
6 person with a disability, principal, or settlor for the purpose
7 of applicable computer-fraud and unauthorized-computer-access
8 laws, including Subdivision 30 of Article 17 of the Criminal
9 Code of 2012, and may challenge the validity of an online tool
10 in court when requesting an order directing compliance with
11 this Act.

12 (e) A fiduciary with authority over the tangible, personal
13 property of a decedent, person with a disability, principal, or
14 settlor:

15 (1) has the right to access the property and any
16 digital asset stored in it; and

17 (2) is an authorized user for the purpose of
18 computer-fraud and unauthorized-computer-access laws,
19 including Subdivision 30 of Article 17 of the Criminal Code
20 of 2012.

21 (f) A custodian may disclose information in an account to a
22 fiduciary of the user when the information is required to
23 terminate an account used to access digital assets licensed to
24 the user.

25 (g) A fiduciary of a user may request a custodian to
26 terminate the user's account. A request for termination must be

1 in writing, in either physical or electronic form, and
2 accompanied by:

3 (1) if the user is deceased, a certified copy of the
4 death certificate of the user;

5 (2) a certified copy of the letter of appointment of
6 the representative or a small-estate affidavit or court
7 order, court order, power of attorney, or trust giving the
8 fiduciary authority over the account; and

9 (3) if requested by the custodian:

10 (A) a number, username, address, or other unique
11 subscriber or account identifier assigned by the
12 custodian to identify the user's account;

13 (B) evidence linking the account to the user; or

14 (C) a finding by the court that the user had a
15 specific account with the custodian, identifiable by
16 the information specified in subparagraph (A).

17 Section 16. Custodian compliance and immunity.

18 (a) Not later than 60 days after receipt of the information
19 required under Sections 7 through 15, a custodian shall comply
20 with a request under this Act from a fiduciary or designated
21 recipient to disclose digital assets or terminate an account.
22 If the custodian fails to comply, the fiduciary or designated
23 recipient may apply to the court for an order directing
24 compliance.

25 (b) An order under subsection (a) directing compliance must

1 contain a finding that compliance is not in violation of 18
2 U.S.C. Section 2702, as amended.

3 (c) A custodian may notify the user that a request for
4 disclosure or to terminate an account was made under this Act.

5 (d) A custodian may deny a request under this Act from a
6 fiduciary or designated recipient for disclosure of digital
7 assets or to terminate an account if the custodian is aware of
8 any lawful access to the account following the receipt of the
9 fiduciary's request.

10 (e) This Act does not limit a custodian's ability to obtain
11 or require a fiduciary or designated recipient requesting
12 disclosure or termination under this Act to obtain a court
13 order which:

14 (1) specifies that an account belongs to the person
15 with a disability or principal;

16 (2) specifies that there is sufficient consent from the
17 person with a disability or principal to support the
18 requested disclosure; and

19 (3) contains a finding required by law other than this
20 Act.

21 (f) A custodian and its officers, employees, and agents are
22 immune from liability for an act or omission done in good
23 faith, except for willful and wanton misconduct, in compliance
24 with this Act.

25 Section 17. (Blank).

1 Section 18. Relation to Electronic Signatures in Global and
2 National Commerce Act. This Act modifies, limits, or supersedes
3 the Electronic Signatures in Global and National Commerce Act,
4 15 U.S.C. Section 7001 et seq., but does not modify, limit, or
5 supersede Section 101(c) of that Act, 15 U.S.C. Section
6 7001(c), or authorize electronic delivery of any of the notices
7 described in Section 103(b) of that Act, 15 U.S.C. Section
8 7003(b).

9 Section 19. Severability. If any provision of this Act or
10 its application to any person or circumstance is held invalid,
11 the invalidity does not affect other provisions or applications
12 of this Act which can be given effect without the invalid
13 provision or application, and to this end the provisions of
14 this Act are severable.

15 Section 20. The Criminal Code of 2012 is amended by
16 changing Sections 17-51 and 17-54 as follows:

17 (720 ILCS 5/17-51) (was 720 ILCS 5/16D-3)

18 Sec. 17-51. Computer tampering.

19 (a) A person commits computer tampering when he or she
20 knowingly and without the authorization of a computer's owner
21 or in excess of the authority granted to him or her:

22 (1) Accesses or causes to be accessed a computer or any

1 part thereof, a computer network, or a program or data;

2 (2) Accesses or causes to be accessed a computer or any
3 part thereof, a computer network, or a program or data, and
4 obtains data or services;

5 (3) Accesses or causes to be accessed a computer or any
6 part thereof, a computer network, or a program or data, and
7 damages or destroys the computer or alters, deletes, or
8 removes a computer program or data;

9 (4) Inserts or attempts to insert a program into a
10 computer or computer program knowing or having reason to
11 know that such program contains information or commands
12 that will or may:

13 (A) damage or destroy that computer, or any other
14 computer subsequently accessing or being accessed by
15 that computer;

16 (B) alter, delete, or remove a computer program or
17 data from that computer, or any other computer program
18 or data in a computer subsequently accessing or being
19 accessed by that computer; or

20 (C) cause loss to the users of that computer or the
21 users of a computer which accesses or which is accessed
22 by such program; or

23 (5) Falsifies or forges electronic mail transmission
24 information or other routing information in any manner in
25 connection with the transmission of unsolicited bulk
26 electronic mail through or into the computer network of an

1 electronic mail service provider or its subscribers.

2 (a-5) Distributing software to falsify routing
3 information. It is unlawful for any person knowingly to sell,
4 give, or otherwise distribute or possess with the intent to
5 sell, give, or distribute software which:

6 (1) is primarily designed or produced for the purpose
7 of facilitating or enabling the falsification of
8 electronic mail transmission information or other routing
9 information;

10 (2) has only a limited commercially significant
11 purpose or use other than to facilitate or enable the
12 falsification of electronic mail transmission information
13 or other routing information; or

14 (3) is marketed by that person or another acting in
15 concert with that person with that person's knowledge for
16 use in facilitating or enabling the falsification of
17 electronic mail transmission information or other routing
18 information.

19 (a-10) For purposes of subsection (a), accessing a computer
20 network is deemed to be with the authorization of a computer's
21 owner if:

22 (1) the owner authorizes patrons, customers, or guests
23 to access the computer network and the person accessing the
24 computer network is an authorized patron, customer, or
25 guest and complies with all terms or conditions for use of
26 the computer network that are imposed by the owner; ~~or~~

1 (2) the owner authorizes the public to access the
2 computer network and the person accessing the computer
3 network complies with all terms or conditions for use of
4 the computer network that are imposed by the owner; or.

5 (3) The person accesses the computer network in
6 compliance with the Revised Uniform Fiduciary Access to
7 Digital Assets Act (2015).

8 (b) Sentence.

9 (1) A person who commits computer tampering as set
10 forth in subdivision (a)(1) or (a)(5) or subsection (a-5)
11 of this Section is guilty of a Class B misdemeanor.

12 (2) A person who commits computer tampering as set
13 forth in subdivision (a)(2) of this Section is guilty of a
14 Class A misdemeanor and a Class 4 felony for the second or
15 subsequent offense.

16 (3) A person who commits computer tampering as set
17 forth in subdivision (a)(3) or (a)(4) of this Section is
18 guilty of a Class 4 felony and a Class 3 felony for the
19 second or subsequent offense.

20 (4) If an injury arises from the transmission of
21 unsolicited bulk electronic mail, the injured person,
22 other than an electronic mail service provider, may also
23 recover attorney's fees and costs, and may elect, in lieu
24 of actual damages, to recover the lesser of \$10 for each
25 unsolicited bulk electronic mail message transmitted in
26 violation of this Section, or \$25,000 per day. The injured

1 person shall not have a cause of action against the
2 electronic mail service provider that merely transmits the
3 unsolicited bulk electronic mail over its computer
4 network.

5 (5) If an injury arises from the transmission of
6 unsolicited bulk electronic mail, an injured electronic
7 mail service provider may also recover attorney's fees and
8 costs, and may elect, in lieu of actual damages, to recover
9 the greater of \$10 for each unsolicited electronic mail
10 advertisement transmitted in violation of this Section, or
11 \$25,000 per day.

12 (6) The provisions of this Section shall not be
13 construed to limit any person's right to pursue any
14 additional civil remedy otherwise allowed by law.

15 (c) Whoever suffers loss by reason of a violation of
16 subdivision (a)(4) of this Section may, in a civil action
17 against the violator, obtain appropriate relief. In a civil
18 action under this Section, the court may award to the
19 prevailing party reasonable attorney's fees and other
20 litigation expenses.

21 (Source: P.A. 95-326, eff. 1-1-08; 96-1000, eff. 7-2-10;
22 96-1551, eff. 7-1-11.)

23 (720 ILCS 5/17-54) (was 720 ILCS 5/16D-7)

24 Sec. 17-54. Evidence of lack of authority. For the purposes
25 of Sections 17-50 through 17-52, the trier of fact may infer

1 that a person accessed a computer without the authorization of
2 its owner or in excess of the authority granted if the person
3 accesses or causes to be accessed a computer, which access
4 requires a confidential or proprietary code which has not been
5 issued to or authorized for use by that person. This Section
6 does not apply to a person who acquires access in compliance
7 with the Revised Uniform Fiduciary Access to Digital Assets Act
8 (2015).

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

10 Section 21. Effective date. This Act takes effect upon
11 becoming law.