



Rep. Jaime M. Andrade, Jr.

Filed: 3/22/2019

10100HB2094ham001

LRB101 07931 SLF 58473 a

1 AMENDMENT TO HOUSE BILL 2094

2 AMENDMENT NO. _____. Amend House Bill 2094 by replacing
3 everything after the enacting clause with the following:

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

7 (720 ILCS 5/2-23 new)

8 Sec. 2-23. Vehicle security circumvention device.

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

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

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

1 (a) A person commits possession of burglary tools when he
2 or she possesses any key, tool, instrument, device, or any
3 explosive, suitable for use in breaking into a building,
4 housetrailer, watercraft, aircraft, motor vehicle, railroad
5 car, or any depository designed for the safekeeping of
6 property, or any part thereof, with intent to enter that place
7 and with intent to commit therein a felony or theft. The trier
8 of fact may infer from the possession of a key designed for
9 lock bumping an intent to commit a felony or theft; however,
10 this inference does not apply to any peace officer or other
11 employee of a law enforcement agency, or to any person or
12 agency licensed under the Private Detective, Private Alarm,
13 Private Security, Fingerprint Vendor, and Locksmith Act of
14 2004. For the purposes of this Section, "lock bumping" means a
15 lock picking technique for opening a pin tumbler lock using a
16 specially-crafted bumpkey.

17 (a-5) A person commits possession of burglary tools when he
18 or she possesses a vehicle security circumvention device and
19 that person is not a:

20 (1) mechanic;

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

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

26 (4) repossession agent; or

1 (5) State or local law enforcement officer.

2 (b) Sentence.

3 Possession of burglary tools in subsection (a) is a Class 4
4 felony. Possession of burglary tools in subsection (a-5) is a
5 Class C misdemeanor.

6 (Source: P.A. 97-1108, eff. 1-1-13.)

7 (720 ILCS 5/19-2.5)

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

9 (a) For the purposes of this Section:

10 "Lock bumping" means a lock picking technique for
11 opening a pin tumbler lock using a specially-crafted
12 bumpkey.

13 "Motor vehicle" has the meaning ascribed to it in the
14 Illinois Vehicle Code.

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

22 (b-5) A person commits the offense of unlawful sale of
23 burglary tools when he or she knowingly sells or transfers a
24 vehicle security circumvention device with knowledge that the
25 device will be used by the person or another to commit a

1 violation of law.

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

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

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

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