



Sen. Suzy Glowiak Hilton

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LRB102 03105 RLC 39051 a

1 AMENDMENT TO HOUSE BILL 1091

2 AMENDMENT NO. _____. Amend House Bill 1091 by replacing
3 everything after the enacting clause with the following:

4 "Article 1.

5 Section 1-1. Short title. This Article may be cited as the
6 Illinois Integrity, Notification, and Fairness in Online
7 Retail Marketplaces for Consumers (INFORM Consumers) Act.
8 References in this Article to "this Act" mean this Article.

9 Section 1-5. Definitions. In this Act:

10 "Consumer product" means any tangible personal property
11 that is distributed in commerce and that is normally used for
12 personal, family, or household purposes (including any such
13 property intended to be attached to or installed in any real
14 property without regard to whether it is so attached or
15 installed).

1 "High-volume third-party seller" means a participant in an
2 online marketplace who is a third-party seller and who, in any
3 continuous 12-month period during the previous 24 months, has
4 entered into 200 or more discrete sales or transactions of new
5 or unused consumer products and has an aggregate total of
6 \$5,000 or more in gross revenue. For purposes of calculating
7 the number of discrete sales or transactions or the aggregate
8 gross revenues under subsection (a) of Section 1-10, an online
9 marketplace shall only be required to count sales or
10 transactions made through the online marketplace and for which
11 payment was processed by the online marketplace, either
12 directly or through its payment processor.

13 "Online marketplace" means any person or entity that:

14 (1) operates a consumer-directed electronically based
15 or accessed platform that includes features that allow
16 for, facilitate, or enable online third-party sellers to
17 engage in the sale, purchase, payment, storage, shipping,
18 or delivery of consumer products in this State;

19 (2) is used by one or more online third-party sellers
20 for such purposes; and

21 (3) has a contractual or similar relationship with
22 consumers governing their use of the platform to purchase
23 consumer product.

24 "Seller" means a person who sells, offers to sell, or
25 contracts to sell consumer products through an online
26 marketplace's platform.

1 "Third-party seller" means any seller, independent of an
2 online marketplace, who sells, offers to sell, or contracts to
3 sell a consumer product in this State through an online
4 marketplace. "Third-party seller" does not include, with
5 respect to an online marketplace:

6 (1) a seller who operates the online marketplace's
7 platform; or

8 (2) a business entity that has:

9 (A) made available to the public the entity's
10 name, business address, and working contact
11 information;

12 (B) an ongoing contractual relationship with the
13 online marketplace to provide the online marketplace
14 with the manufacture, distribution, wholesaling, or
15 fulfillment of shipments of consumer products; and

16 (C) provided to the online marketplace identifying
17 information, as described in subsection (a) of Section
18 1-10, that has been verified in accordance with that
19 subsection.

20 "Verify" means to confirm information provided to an
21 online marketplace, including, but not limited to, by the use
22 of one or more methods that enable the online marketplace to
23 reliably determine that any information and documents provided
24 are valid, corresponding to the seller or an individual acting
25 on the seller's behalf, not misappropriated, and not
26 falsified.

1 Section 1-10. Online marketplace verification.

2 (a) Online marketplaces shall require that any high-volume
3 third-party seller on the online marketplace's platform
4 provide the online marketplace with the following information
5 no later than 10 days after qualifying as a high-volume
6 third-party seller on the platform:

7 (1) A bank account number, or, if the high-volume
8 third-party seller does not have a bank account, the name
9 of the payee for payments issued by the online marketplace
10 to the high-volume third-party seller. The bank account or
11 payee information required may be provided by the seller
12 to the online marketplace or other third parties
13 contracted by the online marketplace to maintain the
14 information, so long as the online marketplace ensures
15 that it can obtain the information on demand from the
16 other third parties.

17 (2) The contact information for the high-volume
18 third-party seller. If the high-volume third-party seller
19 is an individual, the individual's name shall be provided.
20 If the high-volume third-party seller is not an
21 individual, a copy of a valid government-issued
22 identification for an individual acting on behalf of the
23 seller that includes the individual's name or a copy of a
24 valid government-issued record or tax document that
25 includes the business name and physical address of the

1 seller shall be provided.

2 (3) A business tax identification number or, if the
3 high-volume third-party seller does not have a business
4 tax identification number, a taxpayer identification
5 number.

6 (4) A current working email address and phone number
7 for the high-volume third-party seller.

8 (b) An online marketplace shall periodically, but not less
9 than annually, notify any high-volume third-party seller on
10 the online marketplace's platform of the requirement to keep
11 any information collected under subsection (a) current and
12 require any high-volume third-party seller on the online
13 marketplace's platform to, not later than 10 days after
14 receiving the notice, electronically certify that:

15 (1) the high-volume third-party seller has provided
16 any changes to the information to the online marketplace,
17 if such changes have occurred;

18 (2) there have been no changes to the high-volume
19 third-party seller's information; or

20 (3) the high-volume third-party seller has provided
21 any changes to such information to the online marketplace.

22 (c) If a high-volume third-party seller does not provide
23 the information or certification required under this Section,
24 the online marketplace, after providing the seller with
25 written or electronic notice and an opportunity to provide the
26 information or certification not later than 10 days after the

1 issuance of the notice, shall suspend any future sales
2 activity of the seller until the seller provides the
3 information or certification.

4 (d) An online marketplace shall verify the information
5 collected under subsection (a) no later than 10 days after the
6 collection and shall verify any change to the information not
7 later than 10 days after being notified of the change by a
8 high-volume third-party seller under subsection (b). If a
9 high-volume third-party seller provides a copy of a valid
10 government-issued tax document, any information contained in
11 the document shall be presumed to be verified as of the date of
12 issuance of the document.

13 (e) An online marketplace shall require any high-volume
14 third-party seller with an aggregate total of \$20,000 or more
15 in annual gross revenues on the online marketplace, and that
16 uses the online marketplace's platform, to provide information
17 to the online marketplace that includes the identity of the
18 high-volume third-party seller, including:

19 (1) the full name of the seller or seller's company
20 name, or the name by which the seller or company operates
21 on the online marketplace;

22 (2) the physical address of the seller;

23 (3) the contact information of the seller including a
24 current working phone number; a current working email
25 address for the seller; or other means of direct
26 electronic messaging that may be provided to the

1 high-volume third-party seller by the online marketplace
2 to allow for the direct, unhindered communication with
3 high-volume third-party sellers by users of the online
4 marketplace; and

5 (4) whether the high-volume third-party seller used a
6 different seller to supply consumer products to consumers
7 upon purchase, and, upon the request of a consumer, the
8 information described in paragraph (1) of this subsection
9 (e) relating to any such seller that supplied the consumer
10 product to the consumer, if the seller is different from
11 the high-volume third-party seller listed on the product
12 listing prior to purchase.

13 (f) An online marketplace shall provide to consumers the
14 information in subsection (e) in a conspicuous manner: (i) in
15 the order confirmation message or other document or
16 communication made to a consumer after a purchase is
17 finalized; and (ii) in the consumer's account transaction
18 history.

19 (g) Upon the request of a high-volume third-party seller,
20 an online marketplace may provide for partial disclosure of
21 the identity information required under subsection (e) as
22 follows:

23 (1) If the high-volume third-party seller certifies to
24 the online marketplace that the seller does not have a
25 business address and only has a residential street
26 address, or has a combined business and residential

1 address, the online marketplace may disclose only the
2 country and, if applicable, the state in which the
3 high-volume third-party seller resides; and inform
4 consumers that there is no business address available for
5 the seller and that consumer inquiries should be submitted
6 to the seller by phone, email, or other means of
7 electronic messaging provided to the seller by the online
8 marketplace.

9 (2) If the high-volume third-party seller certifies to
10 the online marketplace that the seller is a business that
11 has a physical address for product returns, the online
12 marketplace may disclose the seller's physical address for
13 product returns.

14 (3) If a high-volume third-party seller certifies to
15 the online marketplace that the seller does not have a
16 phone number other than a personal phone number, the
17 online marketplace shall inform consumers that there is no
18 phone number available for the seller and that consumer
19 inquiries should be submitted to the seller's email
20 address or other means of electronic messaging provided to
21 the seller by the online marketplace.

22 (h) If an online marketplace becomes aware that a
23 high-volume third-party seller has made a false representation
24 to the online marketplace in order to justify the provision of
25 a partial disclosure under subsection (g) or that a
26 high-volume third-party seller who has requested and received

1 a provision for a partial disclosure under subsection (g) has
2 not provided responsive answers within a reasonable time to
3 consumer inquiries submitted to the seller by phone, email, or
4 other means of electronic messaging provided to the seller by
5 the online marketplace, the online marketplace shall, after
6 providing the seller with written or electronic notice and an
7 opportunity to respond not later than 10 days after the
8 issuance of the notice, suspend any future sales activity of
9 the seller unless the seller consents to the disclosure of the
10 identity information required under subsection (e).

11 (i) If a high-volume third-party seller does not comply
12 with the requirements to provide and disclose information
13 under this Section, the online marketplace, after providing
14 the seller with written or electronic notice and an
15 opportunity to provide or disclose the information not later
16 than 10 days after the issuance of the notice, shall suspend
17 any future sales activity of the seller until the seller
18 complies with the requirements.

19 (j) An online marketplace shall disclose to consumers in a
20 clear and conspicuous manner on the product listing of any
21 high-volume third-party seller a reporting mechanism that
22 allows for electronic and telephonic reporting of suspicious
23 marketplace activity to the online marketplace.

24 (k) Information collected solely to comply with the
25 requirements of this Section may not be used for any other
26 purpose unless required by law. An online marketplace shall

1 implement and maintain reasonable security procedures and
2 practices, including administrative, physical, and technical
3 safeguards, appropriate to the nature of the data and the
4 purposes for which the data will be used, to protect the data
5 collected under this Section from unauthorized use,
6 disclosure, access, destruction, or modification.
7 Notwithstanding anything to the contrary in this subsection,
8 the Attorney General may request, by subpoena or otherwise,
9 and use any information collected to comply with the
10 requirements of this Section to enforce the provisions of this
11 Act as set forth in subsection (1).

12 (1) If the Attorney General has reason to believe that any
13 person has violated this Act, the Attorney General may bring
14 an action in the name of the People of the State against the
15 person to restrain by preliminary or permanent injunction the
16 use of such a method, act, or practice. The court, in its
17 discretion, may exercise all powers necessary, including, but
18 not limited to: injunction; revocation, forfeiture, or
19 suspension of any license, charter, franchise, certificate, or
20 other evidence of authority of any person to do business in
21 this State; appointment of a receiver; dissolution of domestic
22 corporations or associations or suspension or termination of
23 the right of foreign corporations or associations to do
24 business in this State; and restitution. In the administration
25 of this Section, the Attorney General may accept an Assurance
26 of Voluntary Compliance with respect to any method, act, or

1 practice deemed to be violative of this Act from any person who
2 has engaged in, is engaging in, or was ab to engage in such a
3 method, act, or practice. Evidence of a violation of an
4 Assurance of Voluntary Compliance shall be prima facie
5 evidence of a violation of this Act in any subsequent
6 proceeding brought by the Attorney General against the alleged
7 violator. The Attorney General shall be empowered to issue
8 subpoenas to or examine under oath any person alleged to have
9 participated in or to have knowledge of the alleged method,
10 act, or practice in violation of this Act. Nothing in this Act
11 creates or is intended to create a private right of action
12 against any high-volume third-party seller, online marketplace
13 seller, or third-party seller based upon compliance or
14 noncompliance with its provisions.

15 (m) To the extent that a substantially similar federal law
16 or regulation conflicts with this Act, the federal law or
17 regulation controls.

18 Section 1-15. Organized Retail Crime Enforcement Fund.

19 (a) There is created in the State treasury a special fund
20 known as the Organized Retail Crime Enforcement Fund.

21 (b) Subject to appropriation, moneys in the Organized
22 Retail Crime Enforcement Fund shall be used by the Office of
23 the Attorney General to award grants to State's Attorneys'
24 offices and law enforcement agencies to investigate, indict,
25 and prosecute violations of organized retail crime.

1 (c) Moneys received for purposes of this Section,
2 including, but not limited to, fee receipts, gifts, grants,
3 and awards from any public or private entity, must be
4 deposited into the Fund.

5 (d) The Office of the Attorney General may use moneys in
6 the Fund to investigate, indict, and prosecute violations of
7 organized retail crime, for payment of awards and grants, and
8 for ordinary and contingent expenses and operational programs,
9 including law enforcement purposes.

10 (e) The Office of the Attorney General may set
11 requirements for application and distribution of grant moneys.

12 (f) As used in this Section, "organized retail crime" has
13 the meaning provided in Section 16-25.1 of the Criminal Code
14 of 2012.

15 Section 1-20. The State Finance Act is amended by adding
16 Section 5.970 as follows:

17 (30 ILCS 105/5.970 new)

18 Sec. 5.970. The Organized Retail Crime Enforcement Fund.

19 Article 2.

20 Section 2-5. The Criminal Code of 2012 is amended by
21 changing Sections 16-0.1 and 17-37 and by adding Sections
22 16-25.1 and 16-25.2 as follows:

1 (720 ILCS 5/16-0.1)

2 Sec. 16-0.1. Definitions. In this Article, unless the
3 context clearly requires otherwise, the following terms are
4 defined as indicated:

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

8 "Coin-operated machine" includes any automatic vending
9 machine or any part thereof, parking meter, coin telephone,
10 coin-operated transit turnstile, transit fare box, coin
11 laundry machine, coin dry cleaning machine, amusement machine,
12 music machine, vending machine dispensing goods or services,
13 or money changer.

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

1 software, computer chip, electronic mechanism or other
2 component, accessory or part of any communication device which
3 is capable of facilitating the transmission, decryption,
4 acquisition or reception of all such communications,
5 transmissions, signals, or services.

6 "Communication service" means any service lawfully
7 provided for a charge or compensation to facilitate the lawful
8 origination, transmission, emission, or reception of signs,
9 signals, data, writings, images, and sounds or intelligence of
10 any nature by telephone, including cellular telephones or a
11 wire, wireless, radio, electromagnetic, photo-electronic or
12 photo-optical system; and also any service lawfully provided
13 by any radio, telephone, cable television, fiber optic,
14 satellite, microwave, Internet-based or wireless distribution
15 network, system, facility or technology, including, but not
16 limited to, any and all electronic, data, video, audio,
17 Internet access, telephonic, microwave and radio
18 communications, transmissions, signals and services, and any
19 such communications, transmissions, signals and services
20 lawfully provided directly or indirectly by or through any of
21 those networks, systems, facilities or technologies.

22 "Communication service provider" means: (1) any person or
23 entity providing any communication service, whether directly
24 or indirectly, as a reseller, including, but not limited to, a
25 cellular, paging or other wireless communications company or
26 other person or entity which, for a fee, supplies the

1 facility, cell site, mobile telephone switching office or
2 other equipment or communication service; (2) any person or
3 entity owning or operating any cable television, fiber optic,
4 satellite, telephone, wireless, microwave, radio, data
5 transmission or Internet-based distribution network, system or
6 facility; and (3) any person or entity providing any
7 communication service directly or indirectly by or through any
8 such distribution system, network or facility.

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 "Continuing course of conduct" means a series of acts, and
14 the accompanying mental state necessary for the crime in
15 question, irrespective of whether the series of acts are
16 continuous or intermittent.

17 "Delivery container" means any bakery basket of wire or
18 plastic used to transport or store bread or bakery products,
19 any dairy case of wire or plastic used to transport or store
20 dairy products, and any dolly or cart of 2 or 4 wheels used to
21 transport or store any bakery or dairy product.

22 "Document-making implement" means any implement,
23 impression, template, computer file, computer disc, electronic
24 device, computer hardware, computer software, instrument, or
25 device that is used to make a real or fictitious or fraudulent
26 personal identification document.

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

2 (1) An electronic funds transfer card.

3 (2) A credit card.

4 (3) A debit card.

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

6 (5) Any instrument, device, card, plate, code, account
7 number, personal identification number, or a record or
8 copy of a code, account number, or personal identification
9 number or other means of access to a credit account or
10 deposit account, or a driver's license or State
11 identification card used to access a proprietary account,
12 other than access originated solely by a paper instrument,
13 that can be used alone or in conjunction with another
14 access device, for any of the following purposes:

15 (A) Obtaining money, cash refund or credit
16 account, credit, goods, services, or any other thing
17 of value.

18 (B) Certifying or guaranteeing to a person or
19 business the availability to the device holder of
20 funds on deposit to honor a draft or check payable to
21 the order of that person or business.

22 (C) Providing the device holder access to a
23 deposit account for the purpose of making deposits,
24 withdrawing funds, transferring funds between deposit
25 accounts, obtaining information pertaining to a
26 deposit account, or making an electronic funds

1 transfer.

2 "Full retail value" means the merchant's stated or
3 advertised price of the merchandise. "Full retail value"
4 includes the aggregate value of property obtained from retail
5 thefts committed by the same person as part of a continuing
6 course of conduct from one or more mercantile establishments
7 in a single transaction or in separate transactions over a
8 period of one year.

9 "Internet" means an interactive computer service or system
10 or an information service, system, or access software provider
11 that provides or enables computer access by multiple users to
12 a computer server, and includes, but is not limited to, an
13 information service, system, or access software provider that
14 provides access to a network system commonly known as the
15 Internet, or any comparable system or service and also
16 includes, but is not limited to, a World Wide Web page,
17 newsgroup, message board, mailing list, or chat area on any
18 interactive computer service or system or other online
19 service.

20 "Library card" means a card or plate issued by a library
21 facility for purposes of identifying the person to whom the
22 library card was issued as authorized to borrow library
23 material, subject to all limitations and conditions imposed on
24 the borrowing by the library facility issuing such card.

25 "Library facility" includes any public library or museum,
26 or any library or museum of an educational, historical or

1 eleemosynary institution, organization or society.

2 "Library material" includes any book, plate, picture,
3 photograph, engraving, painting, sculpture, statue, artifact,
4 drawing, map, newspaper, pamphlet, broadside, magazine,
5 manuscript, document, letter, microfilm, sound recording,
6 audiovisual material, magnetic or other tape, electronic data
7 processing record or other documentary, written or printed
8 material regardless of physical form or characteristics, or
9 any part thereof, belonging to, or on loan to or otherwise in
10 the custody of a library facility.

11 "Manufacture or assembly of an unlawful access device"
12 means to make, produce or assemble an unlawful access device
13 or to modify, alter, program or re-program any instrument,
14 device, machine, equipment or software so that it is capable
15 of defeating or circumventing any technology, device or
16 software used by the provider, owner or licensee of a
17 communication service or of any data, audio or video programs
18 or transmissions to protect any such communication, data,
19 audio or video services, programs or transmissions from
20 unauthorized access, acquisition, disclosure, receipt,
21 decryption, communication, transmission or re-transmission.

22 "Manufacture or assembly of an unlawful communication
23 device" means to make, produce or assemble an unlawful
24 communication or wireless device or to modify, alter, program
25 or reprogram a communication or wireless device to be capable
26 of acquiring, disrupting, receiving, transmitting, decrypting,

1 or facilitating the acquisition, disruption, receipt,
2 transmission or decryption of, a communication service without
3 the express consent or express authorization of the
4 communication service provider, or to knowingly assist others
5 in those activities.

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

11 "Merchandise" means any item of tangible personal
12 property, including motor fuel.

13 "Merchant" means an owner or operator of any retail
14 mercantile establishment or any agent, employee, lessee,
15 consignee, officer, director, franchisee, or independent
16 contractor of the owner or operator. "Merchant" also means a
17 person who receives from an authorized user of a payment card,
18 or someone the person believes to be an authorized user, a
19 payment card or information from a payment card, or what the
20 person believes to be a payment card or information from a
21 payment card, as the instrument for obtaining, purchasing or
22 receiving goods, services, money, or anything else of value
23 from the person.

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

26 "Online" means the use of any electronic or wireless

1 device to access the Internet.

2 "Payment card" means a credit card, charge card, debit
3 card, or any other card that is issued to an authorized card
4 user and that allows the user to obtain, purchase, or receive
5 goods, services, money, or anything else of value from a
6 merchant.

7 "Person with a disability" means a person who suffers from
8 a physical or mental impairment resulting from disease,
9 injury, functional disorder or congenital condition that
10 impairs the individual's mental or physical ability to
11 independently manage his or her property or financial
12 resources, or both.

13 "Personal identification document" means a birth
14 certificate, a driver's license, a State identification card,
15 a public, government, or private employment identification
16 card, a social security card, a firearm owner's identification
17 card, a credit card, a debit card, or a passport issued to or
18 on behalf of a person other than the offender, or any document
19 made or issued, or falsely purported to have been made or
20 issued, by or under the authority of the United States
21 Government, the State of Illinois, or any other state
22 political subdivision of any state, or any other governmental
23 or quasi-governmental organization that is of a type intended
24 for the purpose of identification of an individual, or any
25 such document made or altered in a manner that it falsely
26 purports to have been made on behalf of or issued to another

1 person or by the authority of one who did not give that
2 authority.

3 "Personal identifying information" means any of the
4 following information:

5 (1) A person's name.

6 (2) A person's address.

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

8 (4) A person's telephone number.

9 (5) A person's driver's license number or State of
10 Illinois identification card as assigned by the Secretary
11 of State of the State of Illinois or a similar agency of
12 another state.

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

14 (7) A person's public, private, or government
15 employer, place of employment, or employment
16 identification number.

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

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

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

25 (11) Personal identification numbers.

26 (12) Electronic identification numbers.

1 (13) Digital signals.

2 (14) User names, passwords, and any other word,
3 number, character or combination of the same usable in
4 whole or part to access information relating to a specific
5 individual, or to the actions taken, communications made
6 or received, or other activities or transactions of a
7 specific individual.

8 (15) Any other numbers or information which can be
9 used to access a person's financial resources, or to
10 identify a specific individual, or the actions taken,
11 communications made or received, or other activities or
12 transactions of a specific individual.

13 "Premises of a retail mercantile establishment" includes,
14 but is not limited to, the retail mercantile establishment;
15 any common use areas in shopping centers; and all parking
16 areas set aside by a merchant or on behalf of a merchant for
17 the parking of vehicles for the convenience of the patrons of
18 such retail mercantile establishment.

19 "Public water, gas, or power supply, or other public
20 services" mean any service subject to regulation by the
21 Illinois Commerce Commission; any service furnished by a
22 public utility that is owned and operated by any political
23 subdivision, public institution of higher education or
24 municipal corporation of this State; any service furnished by
25 any public utility that is owned by such political
26 subdivision, public institution of higher education, or

1 municipal corporation and operated by any of its lessees or
2 operating agents; any service furnished by an electric
3 cooperative as defined in Section 3.4 of the Electric Supplier
4 Act; or wireless service or other service regulated by the
5 Federal Communications Commission.

6 "Publish" means to communicate or disseminate information
7 to any one or more persons, either orally, in person, or by
8 telephone, radio or television or in writing of any kind,
9 including, without limitation, a letter or memorandum,
10 circular or handbill, newspaper or magazine article or book.

11 "Radio frequency identification device" means any
12 implement, computer file, computer disc, electronic device,
13 computer hardware, computer software, or instrument that is
14 used to activate, read, receive, or decode information stored
15 on a RFID tag or transponder attached to a personal
16 identification document.

17 "RFID tag or transponder" means a chip or device that
18 contains personal identifying information from which the
19 personal identifying information can be read or decoded by
20 another device emitting a radio frequency that activates or
21 powers a radio frequency emission response from the chip or
22 transponder.

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

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

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

8 "Shopping cart" means those push carts of the type or
9 types which are commonly provided by grocery stores, drug
10 stores or other retail mercantile establishments for the use
11 of the public in transporting commodities in stores and
12 markets and, incidentally, from the stores to a place outside
13 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
18 reproduced with or without the use of any additional machine,
19 equipment or device.

20 "Stored value card" means any card, gift card, instrument,
21 or device issued with or without fee for the use of the
22 cardholder to obtain money, goods, services, or anything else
23 of value. Stored value cards include, but are not limited to,
24 cards issued for use as a stored value card or gift card, and
25 an account identification number or symbol used to identify a
26 stored value card. "Stored value card" does not include a

1 prepaid card usable at multiple, unaffiliated merchants or at
2 automated teller machines, or both. "Stored value card" shall
3 only apply to Section 16-25.1 of this Act.

4 "Theft detection device remover" means any tool or device
5 specifically designed and intended to be used to remove any
6 theft detection device from any merchandise.

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

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

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

1 re-transmission.

2 "Unlawful communication device" means any electronic
3 serial number, mobile identification number, personal
4 identification number or any communication or wireless device
5 that is capable of acquiring or facilitating the acquisition
6 of a communication service without the express consent or
7 express authorization of the communication service provider,
8 or that has been altered, modified, programmed or
9 reprogrammed, alone or in conjunction with another
10 communication or wireless device or other equipment, to so
11 acquire or facilitate the unauthorized acquisition of a
12 communication service. "Unlawful communication device" also
13 means:

14 (1) any phone altered to obtain service without the
15 express consent or express authorization of the
16 communication service provider, tumbler phone, counterfeit
17 or clone phone, tumbler microchip, counterfeit or clone
18 microchip, scanning receiver of wireless communication
19 service or other instrument capable of disguising its
20 identity or location or of gaining unauthorized access to
21 a communications or wireless system operated by a
22 communication service provider; and

23 (2) any communication or wireless device which is
24 capable of, or has been altered, designed, modified,
25 programmed or reprogrammed, alone or in conjunction with
26 another communication or wireless device or devices, so as

1 to be capable of, facilitating the disruption,
2 acquisition, receipt, transmission or decryption of a
3 communication service without the express consent or
4 express authorization of the communication service
5 provider, including, but not limited to, any device,
6 technology, product, service, equipment, computer software
7 or component or part thereof, primarily distributed, sold,
8 designed, assembled, manufactured, modified, programmed,
9 reprogrammed or used for the purpose of providing the
10 unauthorized receipt of, transmission of, disruption of,
11 decryption of, access to or acquisition of any
12 communication service provided by any communication
13 service provider.

14 "Vehicle" means a motor vehicle, motorcycle, or farm
15 implement that is self-propelled and that uses motor fuel for
16 propulsion.

17 "Wireless device" includes any type of instrument, device,
18 machine, or equipment that is capable of transmitting or
19 receiving telephonic, electronic or radio communications, or
20 any part of such instrument, device, machine, or equipment, or
21 any computer circuit, computer chip, electronic mechanism, or
22 other component that is capable of facilitating the
23 transmission or reception of telephonic, electronic, or radio
24 communications.

25 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-388, eff.
26 1-1-12; 97-1109, eff. 1-1-13.)

1 (720 ILCS 5/16-25.1 new)

2 Sec. 16-25.1. Organized retail crime.

3 (a) An individual is guilty of organized retail crime when
4 that individual, in concert with another individual or any
5 group of individuals, knowingly commits the act of retail
6 theft from one or more retail mercantile establishments, and
7 in the course of or in furtherance of such crime or flight
8 therefrom:

9 (1) knowingly commits assault as defined under Section
10 12-1 or battery as defined under Section 12-3(a) (2) on the
11 premises of the retail mercantile establishment;

12 (2) knowingly commits a battery under Section
13 12-3(a) (1) on the premises of the retail mercantile
14 establishment; or

15 (3) intentionally destroys or damages the property of
16 the retail mercantile establishment.

17 (b) An individual is guilty of being a manager of the
18 organized retail crime when that individual knowingly
19 recruits, organizes, supervises, finances, or otherwise
20 manages or directs any other individual or individuals to:

21 (1) commit the act of retail theft from one or more
22 retail mercantile establishments, if the aggregate value
23 of the merchandise exceeds \$300, and the manager or the
24 individual has the intent to resell the merchandise or
25 otherwise have the merchandise reenter the stream of

1 commerce;

2 (2) commit theft of merchandise, the aggregate retail
3 value of which exceeds \$300, while the merchandise is in
4 transit from the manufacturer to the retail mercantile
5 establishment, and the manager or the individual has the
6 intent to resell the merchandise;

7 (3) obtain control over property for sale or resale,
8 the aggregate retail value of which exceeds \$300, knowing
9 the property to have been stolen or under such
10 circumstances as would reasonably induce the individual to
11 believe that the property was stolen; or

12 (4) receive, possess, or purchase any merchandise or
13 stored value cards, the aggregate retail value of which
14 exceeds \$300, obtained from a fraudulent return with the
15 knowledge that the property was obtained in violation of
16 this Section or Section 16-25.

17 (c) If acts or omissions constituting any part of the
18 commission of the charged offense under the Section occurred
19 in more than one county, each county has concurrent venue. If
20 the charged offenses under this Section occurred in more than
21 one county, the counties may join the offenses in a single
22 criminal pleading and have concurrent venue as to all charged
23 offenses. When counties have concurrent venue, the first
24 county in which a criminal complaint, information, or
25 indictment is issued in the case becomes the county with
26 exclusive venue. A violation of organized retail crime may be

1 investigated, indicted, and prosecuted pursuant to the
2 Statewide Grand Jury Act.

3 (d) Sentence. A violation of paragraph (1) or (3) of
4 subsection (a) is a Class 3 felony. A violation of paragraph
5 (2) of subsection (a) is a Class 2 felony. A violation of
6 subsection (b) is a Class 2 felony.

7 (720 ILCS 5/16-25.2 new)

8 Sec. 16-25.2. Retail loss prevention report and notice
9 requirements.

10 (a) A retail mercantile establishment that is a victim of
11 a violation of Section 16-25, 16-25.1, 17-10.6, or 25-4 shall
12 have the right:

13 (1) to timely notification of all court proceedings as
14 defined under subsection (e) of Section 3 of the Rights of
15 Crime Victims and Witnesses Act. Timely notice shall
16 include 7 days' notice of any court proceedings. Timely
17 notice shall be sent to the location of the retail
18 mercantile establishment where the violation occurred and
19 to the point of contact as provided by the retail
20 mercantile establishment. The point of contact may be any
21 employee of the retail mercantile establishment or
22 representative as provided by the retail mercantile
23 establishment;

24 (2) to communicate with the prosecution;

25 (3) to be reasonably heard at any post-arraignment

1 court proceeding in which a right of the victim is at issue
2 and any court proceeding involving a post-arraignment
3 release decision, plea, or sentencing;

4 (4) to be notified of the conviction, the sentence,
5 the imprisonment, and the release of the accused; and

6 (5) to have present at all court proceedings subject
7 to the rules of evidence an advocate of the retail
8 mercantile establishment's choice.

9 (b) Unless a retail mercantile establishment refuses to
10 file a report regarding the incident, the law enforcement
11 agency having jurisdiction shall file a report concerning the
12 incident with the State's Attorney. No law enforcement agent
13 shall discourage or attempt to discourage a retail mercantile
14 establishment from filing a police report concerning the
15 incident. Upon the request of the retail mercantile
16 establishment, the law enforcement agency having jurisdiction
17 shall provide a free copy of the police report concerning the
18 incident, as soon as practicable, but in no event later than 5
19 business days after the request. The Illinois Law Enforcement
20 Training Standards Board shall not consider any allegation of
21 a violation of this subsection that is contained in a
22 complaint made under Section 1-35 of the Police and Community
23 Relations Improvement Act.

24 (720 ILCS 5/17-37)

25 Sec. 17-37. Use of credit or debit card with intent to

1 defraud.

2 (a) A cardholder who uses a credit card or debit card
3 issued to him or her, or allows another person to use a credit
4 card or debit card issued to him or her, with intent to defraud
5 the issuer, or a person providing an item or items of value, or
6 any other person is guilty of a Class A misdemeanor if the
7 value of all items of value does not exceed \$150 in any 6-month
8 period; and is guilty of a Class 4 felony if the value exceeds
9 \$150 in any 6-month period.

10 (b) Where an investigation into an intent to defraud under
11 subsection (a) occurs, issuers shall consider a merchant's
12 timely submission of compelling evidence under the applicable
13 dispute management guidelines of the card association with
14 whom the merchant maintains an agreement. A merchant shall
15 comply with merchant responsibilities under any such
16 agreement.

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

18 Section 2-10. The Statewide Grand Jury Act is amended by
19 changing Sections 2, 3, and 4 as follows:

20 (725 ILCS 215/2) (from Ch. 38, par. 1702)

21 Sec. 2. (a) County grand juries and State's Attorneys have
22 always had and shall continue to have primary responsibility
23 for investigating, indicting, and prosecuting persons who
24 violate the criminal laws of the State of Illinois. However,

1 in recent years organized terrorist activity directed against
2 innocent civilians and certain criminal enterprises have
3 developed that require investigation, indictment, and
4 prosecution on a statewide or multicounty level. The criminal
5 enterprises exist as a result of the allure of profitability
6 present in narcotic activity, the unlawful sale and transfer
7 of firearms, and streetgang related felonies and organized
8 terrorist activity is supported by the contribution of money
9 and expert assistance from geographically diverse sources. In
10 order to shut off the life blood of terrorism and weaken or
11 eliminate the criminal enterprises, assets, and property used
12 to further these offenses must be frozen, and any profit must
13 be removed. State statutes exist that can accomplish that
14 goal. Among them are the offense of money laundering,
15 violations of Article 29D of the Criminal Code of 1961 or the
16 Criminal Code of 2012, the Narcotics Profit Forfeiture Act,
17 and gunrunning. Local prosecutors need investigative personnel
18 and specialized training to attack and eliminate these
19 profits. In light of the transitory and complex nature of
20 conduct that constitutes these criminal activities, the many
21 diverse property interests that may be used, acquired directly
22 or indirectly as a result of these criminal activities, and
23 the many places that illegally obtained property may be
24 located, it is the purpose of this Act to create a limited,
25 multicounty Statewide Grand Jury with authority to
26 investigate, indict, and prosecute: narcotic activity,

1 including cannabis and controlled substance trafficking,
2 narcotics racketeering, money laundering, violations of the
3 Cannabis and Controlled Substances Tax Act, and violations of
4 Article 29D of the Criminal Code of 1961 or the Criminal Code
5 of 2012; the unlawful sale and transfer of firearms;
6 gunrunning; and streetgang related felonies.

7 (b) A Statewide Grand Jury may also investigate, indict,
8 and prosecute violations facilitated by the use of a computer
9 of any of the following offenses: indecent solicitation of a
10 child, sexual exploitation of a child, soliciting for a
11 juvenile prostitute, keeping a place of juvenile prostitution,
12 juvenile pimping, child pornography, aggravated child
13 pornography, or promoting juvenile prostitution except as
14 described in subdivision (a)(4) of Section 11-14.4 of the
15 Criminal Code of 1961 or the Criminal Code of 2012.

16 (c) A Statewide Grand Jury may also investigate, indict,
17 and prosecute violations of organized retail crime.

18 (Source: P.A. 101-593, eff. 12-4-19.)

19 (725 ILCS 215/3) (from Ch. 38, par. 1703)

20 Sec. 3. Written application for the appointment of a
21 Circuit Judge to convene and preside over a Statewide Grand
22 Jury, with jurisdiction extending throughout the State, shall
23 be made to the Chief Justice of the Supreme Court. Upon such
24 written application, the Chief Justice of the Supreme Court
25 shall appoint a Circuit Judge from the circuit where the

1 Statewide Grand Jury is being sought to be convened, who shall
2 make a determination that the convening of a Statewide Grand
3 Jury is necessary.

4 In such application the Attorney General shall state that
5 the convening of a Statewide Grand Jury is necessary because
6 of an alleged offense or offenses set forth in this Section
7 involving more than one county of the State and identifying
8 any such offense alleged; and

9 (a) that he or she believes that the grand jury
10 function for the investigation and indictment of the
11 offense or offenses cannot effectively be performed by a
12 county grand jury together with the reasons for such
13 belief, and

14 (b) (1) that each State's Attorney with jurisdiction
15 over an offense or offenses to be investigated has
16 consented to the impaneling of the Statewide Grand Jury,
17 or

18 (2) if one or more of the State's Attorneys having
19 jurisdiction over an offense or offenses to be
20 investigated fails to consent to the impaneling of the
21 Statewide Grand Jury, the Attorney General shall set forth
22 good cause for impaneling the Statewide Grand Jury.

23 If the Circuit Judge determines that the convening of a
24 Statewide Grand Jury is necessary, he or she shall convene and
25 impanel the Statewide Grand Jury with jurisdiction extending
26 throughout the State to investigate and return indictments:

1 (a) For violations of any of the following or for any
2 other criminal offense committed in the course of
3 violating any of the following: Article 29D of the
4 Criminal Code of 1961 or the Criminal Code of 2012, the
5 Illinois Controlled Substances Act, the Cannabis Control
6 Act, the Methamphetamine Control and Community Protection
7 Act, or the Narcotics Profit Forfeiture Act; a streetgang
8 related felony offense; Section 16-25.1, 24-2.1, 24-2.2,
9 24-3, 24-3A, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or
10 subsection 24-1(a)(4), 24-1(a)(6), 24-1(a)(7),
11 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the Criminal Code
12 of 1961 or the Criminal Code of 2012; or a money laundering
13 offense; provided that the violation or offense involves
14 acts occurring in more than one county of this State; and

15 (a-5) For violations facilitated by the use of a
16 computer, including the use of the Internet, the World
17 Wide Web, electronic mail, message board, newsgroup, or
18 any other commercial or noncommercial on-line service, of
19 any of the following offenses: indecent solicitation of a
20 child, sexual exploitation of a child, soliciting for a
21 juvenile prostitute, keeping a place of juvenile
22 prostitution, juvenile pimping, child pornography,
23 aggravated child pornography, or promoting juvenile
24 prostitution except as described in subdivision (a)(4) of
25 Section 11-14.4 of the Criminal Code of 1961 or the
26 Criminal Code of 2012; and

1 (b) For the offenses of perjury, subornation of
2 perjury, communicating with jurors and witnesses, and
3 harassment of jurors and witnesses, as they relate to
4 matters before the Statewide Grand Jury.

5 "Streetgang related" has the meaning ascribed to it in
6 Section 10 of the Illinois Streetgang Terrorism Omnibus
7 Prevention Act.

8 Upon written application by the Attorney General for the
9 convening of an additional Statewide Grand Jury, the Chief
10 Justice of the Supreme Court shall appoint a Circuit Judge
11 from the circuit for which the additional Statewide Grand Jury
12 is sought. The Circuit Judge shall determine the necessity for
13 an additional Statewide Grand Jury in accordance with the
14 provisions of this Section. No more than 2 Statewide Grand
15 Juries may be empaneled at any time.

16 (Source: P.A. 101-593, eff. 12-4-19.)

17 (725 ILCS 215/4) (from Ch. 38, par. 1704)

18 Sec. 4. (a) The presiding judge of the Statewide Grand
19 Jury will receive recommendations from the Attorney General as
20 to the county in which the Grand Jury will sit. Prior to making
21 the recommendations, the Attorney General shall obtain the
22 permission of the local State's Attorney to use his or her
23 county for the site of the Statewide Grand Jury. Upon
24 receiving the Attorney General's recommendations, the
25 presiding judge will choose one of those recommended locations

1 as the site where the Grand Jury shall sit.

2 Any indictment by a Statewide Grand Jury shall be returned
3 to the Circuit Judge presiding over the Statewide Grand Jury
4 and shall include a finding as to the county or counties in
5 which the alleged offense was committed. Thereupon, the judge
6 shall, by order, designate the county of venue for the purpose
7 of trial. The judge may also, by order, direct the
8 consolidation of an indictment returned by a county grand jury
9 with an indictment returned by the Statewide Grand Jury and
10 set venue for trial.

11 (b) Venue for purposes of trial for the offense of
12 narcotics racketeering shall be proper in any county where:

13 (1) Cannabis or a controlled substance which is the
14 basis for the charge of narcotics racketeering was used;
15 acquired; transferred or distributed to, from or through;
16 or any county where any act was performed to further the
17 use; acquisition, transfer or distribution of said
18 cannabis or controlled substance; or

19 (2) Any money, property, property interest, or any
20 other asset generated by narcotics activities was
21 acquired, used, sold, transferred or distributed to, from
22 or through; or,

23 (3) Any enterprise interest obtained as a result of
24 narcotics racketeering was acquired, used, transferred or
25 distributed to, from or through, or where any activity was
26 conducted by the enterprise or any conduct to further the

1 interests of such an enterprise.

2 (c) Venue for purposes of trial for the offense of money
3 laundering shall be proper in any county where any part of a
4 financial transaction in criminally derived property took
5 place, or in any county where any money or monetary interest
6 which is the basis for the offense, was acquired, used, sold,
7 transferred or distributed to, from, or through.

8 (d) A person who commits the offense of cannabis
9 trafficking or controlled substance trafficking may be tried
10 in any county.

11 (e) Venue for purposes of trial for any violation of
12 Article 29D of the Criminal Code of 1961 or the Criminal Code
13 of 2012 may be in the county in which an act of terrorism
14 occurs, the county in which material support or resources are
15 provided or solicited, the county in which criminal assistance
16 is rendered, or any county in which any act in furtherance of
17 any violation of Article 29D of the Criminal Code of 1961 or
18 the Criminal Code of 2012 occurs.

19 (f) Venue for purposes of trial for the offense of
20 organized retail crime shall be proper in any county where:

21 (1) any property, property interest, asset, money, or
22 thing of value that is the basis for the charge of
23 organized retail crime was used, acquired, transferred, or
24 distributed to, from, or through; or any county where any
25 act was performed to further the use, acquisition,
26 transfer, or distribution of the property, property

