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1 AN ACT concerning cable television.

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

4	Section	5.	The	Criminal	Code	of	1961	is	amended	by
5	changing Section 16-20 as foll				s:					

- 6 (720 ILCS 5/16-20)
- 7 Sec. 16-20. Criminal penalties.
- 8 (a) Except for violations of Section 16-19 as provided for 9 in subsection (b) or (c) of this Section, a person who violates 10 Section 16-19 is guilty of a Class A misdemeanor.
 - (b) An offense under Section 16-19 is a Class 4 felony if:
 - (1) the defendant has been convicted previously under Section 16-19 or convicted of any similar crime in this or any federal or other state jurisdiction; or
 - (2) the violation of Section 16-19 involves at least 10, but not more than 50, unlawful communication or access devices; or \cdot
 - (3) a person engages in conduct identified in subdivision (3) of Section 16-19 for the purpose of, and with the intention of, substantially disrupting and impairing the ability of a communication service provider to deliver communication services to its lawful customers or subscribers.
 - (c) An offense under Section 16-19 is a Class 3 felony if:
 - (1) the defendant has been convicted previously on 2 or more occasions for offenses under Section 16-19 or for any similar crime in this or any federal or other state jurisdiction; or
 - (2) the violation of Section 16-19 involves more than 50 unlawful communication or access devices.
 - (d) For purposes of grading an offense based upon a prior conviction under Section 16-19 or for any similar crime under

- 1 subdivisions (b)(1) and (c)(1) of this Section, a prior
- 2 conviction shall consist of convictions upon separate
- 3 indictments or criminal complaints for offenses under Section
- 4 16-19 or any similar crime in this or any federal or other
- 5 state jurisdiction.
- 6 (e) As provided for in subdivisions (b)(1) and (c)(1) of
- 7 this Section, in grading an offense under Section 16-19 based
- 8 upon a prior conviction, the term "any similar crime" shall
- 9 include, but not be limited to, offenses involving theft of
- 10 service or fraud, including violations of the Cable
- 11 Communications Policy Act of 1984 (Public Law 98-549, 98 Stat.
- 12 2779).
- 13 (f) Separate offenses. For purposes of all criminal
- penalties or fines established for violations of Section 16-19,
- 15 the prohibited activity established in Section 16-19 as it
- 16 applies to each unlawful communication or access device shall
- 17 be deemed a separate offense.
- 18 (g) Fines. For purposes of imposing fines upon conviction
- of a defendant for an offense under Section 16-19, all fines
- 20 shall be imposed in accordance with Article 9 of Chapter V of
- 21 the Unified Code of Corrections.
- 22 (h) Restitution. The court shall, in addition to any other
- 23 sentence authorized by law, sentence a person convicted of
- 24 violating Section 16-19 to make restitution in the manner
- 25 provided in Article 5 of Chapter V of the Unified Code of
- 26 Corrections.
- 27 (i) Forfeiture of unlawful communication or access
- devices. Upon conviction of a defendant under Section 16-19,
- 29 the court may, in addition to any other sentence authorized by
- 30 law, direct that the defendant forfeit any unlawful
- 31 communication or access devices in the defendant's possession
- 32 or control which were involved in the violation for which the
- 33 defendant was convicted.
- 34 (j) Venue. An offense under Section 16-19 may be deemed to
- 35 have been committed at either the place where the defendant
- 36 manufactured or assembled an unlawful communication or access

- device, or assisted others in doing so, or the place where the
- 2 unlawful communication or access device was sold or delivered
- 3 to a purchaser or recipient. It is not a defense to a violation
- $\,$ 4 $\,$ of Section 16-19 that some of the acts constituting the offense
- 5 occurred outside of the State of Illinois.
- 6 (Source: P.A. 92-728, eff. 1-1-03.)
- 7 Section 99. Effective date. This Act takes effect upon
- 8 becoming law.