

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Sections 16G-21 and 16H-1 and by adding Section 16G-13 as
6 follows:

7 (720 ILCS 5/16G-13 new)

8 Sec. 16G-13. Facilitating identity theft.

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

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

25 (720 ILCS 5/16G-21)

26 Sec. 16G-21. Civil remedies. A person who is convicted of
27 facilitating identity theft, identity theft, or aggravated
28 identity theft is liable in a civil action to the person who
29 suffered damages as a result of the violation. The person
30 suffering damages may recover court costs, attorney's fees,
31 lost wages, and actual damages.

1 (Source: P.A. 92-686, eff. 7-16-02; 93-401, eff. 7-31-03.)

2 (720 ILCS 5/16H-1)

3 Sec. 16H-1. Short title. This Article may be cited as the
4 Illinois Financial Crime Law ~~Act~~.

5 (Source: P.A. 93-440, eff. 8-5-03.)