

AN ACT concerning cable television.

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

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

(720 ILCS 5/16-20)

Sec. 16-20. Criminal penalties.

(a) Except for violations of Section 16-19 as provided for in subsection (b) or (c) of this Section, a person who violates 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~~

(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

subdivisions (b)(1) and (c)(1) of this Section, a prior conviction shall consist of convictions upon separate indictments or criminal complaints for offenses under Section 16-19 or any similar crime in this or any federal or other state jurisdiction.

(e) As provided for in subdivisions (b)(1) and (c)(1) of this Section, in grading an offense under Section 16-19 based upon a prior conviction, the term "any similar crime" shall include, but not be limited to, offenses involving theft of service or fraud, including violations of the Cable Communications Policy Act of 1984 (Public Law 98-549, 98 Stat. 2779).

(f) Separate offenses. For purposes of all criminal penalties or fines established for violations of Section 16-19, the prohibited activity established in Section 16-19 as it applies to each unlawful communication or access device shall be deemed a separate offense.

(g) Fines. For purposes of imposing fines upon conviction of a defendant for an offense under Section 16-19, all fines shall be imposed in accordance with Article 9 of Chapter V of the Unified Code of Corrections.

(h) Restitution. The court shall, in addition to any other sentence authorized by law, sentence a person convicted of violating Section 16-19 to make restitution in the manner provided in Article 5 of Chapter V of the Unified Code of Corrections.

(i) Forfeiture of unlawful communication or access devices. Upon conviction of a defendant under Section 16-19, the court may, in addition to any other sentence authorized by law, direct that the defendant forfeit any unlawful communication or access devices in the defendant's possession or control which were involved in the violation for which the defendant was convicted.

(j) Venue. An offense under Section 16-19 may be deemed to have been committed at either the place where the defendant manufactured or assembled an unlawful communication or access

device, or assisted others in doing so, or the place where the unlawful communication or access device was sold or delivered to a purchaser or recipient. It is not a defense to a violation of Section 16-19 that some of the acts constituting the offense occurred outside of the State of Illinois.

(Source: P.A. 92-728, eff. 1-1-03.)

Section 99. Effective date. This Act takes effect upon becoming law.