



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3202

Introduced 2/15/2018, by Sen. Michael E. Hastings

SYNOPSIS AS INTRODUCED:

720 ILCS 5/17-52.6 new
720 ILCS 5/17-55

Amends the Criminal Code of 2012. Creates the offense of cyber extortion. Provides that a person commits cyber extortion when he or she, with the intent to unlawfully extort money, property, or anything of value from another person, knowingly creates, places, or introduces without authorization into a computer, computer system, or computer network computer software that is designed to encrypt, lock, or otherwise restrict access or use in any way by an authorized user of the computer, computer system, or computer network. Provides that a person who has suffered a specific and direct injury because of a violation of this provision may bring a civil action in circuit court. Provides that in the civil action, the court may award actual damages, reasonable attorney's fees, and court costs. Provides that a conviction for cyber extortion is not a prerequisite for bringing an action under this provision. Provides that a violation is a Class 1 felony. Defines "computer system", "extort", and "software".

LRB100 19689 RLC 34963 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 2012 is amended by changing
5 Section 17-55 and by adding Section 17-52.6 as follows:

6 (720 ILCS 5/17-52.6 new)

7 Sec. 17-52.6. Cyber extortion.

8 (a) A person commits cyber extortion when he or she, with
9 the intent to unlawfully extort money, property, or anything of
10 value from another person, knowingly creates, places, or
11 introduces without authorization into a computer, computer
12 system, or computer network computer software that is designed
13 to encrypt, lock, or otherwise restrict access or use in any
14 way by an authorized user of the computer, computer system, or
15 computer network.

16 (b) A person who has suffered a specific and direct injury
17 because of a violation of this Section may bring a civil action
18 in circuit court. In a civil action under this subsection (b),
19 the court may award actual damages, reasonable attorney's fees,
20 and court costs. A conviction for cyber extortion is not a
21 prerequisite for bringing an action under this subsection (b).

22 (c) Sentence. Cyber extortion is a Class 1 felony.

1 (720 ILCS 5/17-55)

2 Sec. 17-55. Definitions. For the purposes of Sections 17-50
3 through 17-53:

4 In addition to its meaning as defined in Section 15-1 of
5 this Code, "property" means: (1) electronic impulses; (2)
6 electronically produced data; (3) confidential, copyrighted,
7 or proprietary information; (4) private identification codes
8 or numbers which permit access to a computer by authorized
9 computer users or generate billings to consumers for purchase
10 of goods and services, including but not limited to credit card
11 transactions and telecommunications services or permit
12 electronic fund transfers; (5) software or programs in either
13 machine or human readable form; or (6) any other tangible or
14 intangible item relating to a computer or any part thereof.

15 "Access" means to use, instruct, communicate with, store
16 data in, retrieve or intercept data from, or otherwise utilize
17 any services of, a computer, a network, or data.

18 "Computer system" means one or more connected or
19 unconnected computers, peripheral devices, computer software,
20 data, or computer programs.

21 "Extort" means to obtain money, property, labor, services,
22 or anything of value from another person with the person's
23 consent, if the consent is induced by the unlawful use of
24 actual or threatened: (1) force or violence; or (2) economic
25 injury.

26 "Services" includes but is not limited to computer time,

1 data manipulation, or storage functions.

2 "Software" means a computer program, an instruction, a
3 procedure, or an associated document regarding the operation of
4 a computer system.

5 "Vital services or operations" means those services or
6 operations required to provide, operate, maintain, and repair
7 network cabling, transmission, distribution, or computer
8 facilities necessary to ensure or protect the public health,
9 safety, or welfare. Those services or operations include, but
10 are not limited to, services provided by medical personnel or
11 institutions, fire departments, emergency services agencies,
12 national defense contractors, armed forces or militia
13 personnel, private and public utility companies, or law
14 enforcement agencies.

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