

1                                    AMENDMENT TO HOUSE BILL 570

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 570 by replacing  
3 everything after the enacting clause with the following:

4            "Section 5. The Criminal Code of 1961 is amended by  
5 changing Sections 16D-2, 16D-3, and 16-6 and adding Section  
6 16D-4.1 as follows:

7            (720 ILCS 5/16D-2) (from Ch. 38, par. 16D-2)  
8            Sec. 16D-2. Definitions. As used in this Article,  
9 unless the context otherwise indicates:

10            (a) "Computer" means a device that accepts, processes,  
11 stores, retrieves or outputs data, and includes but is not  
12 limited to auxiliary storage and telecommunications devices  
13 connected to computers.

14            (a-5) "Computer network" means a set of related, remotely  
15 connected devices and any communications facilities including  
16 more than one computer with the capability to transmit data  
17 among them through the communications facilities.

18            (b) "Computer program" or "program" means a series of  
19 coded instructions or statements in a form acceptable to a  
20 computer which causes the computer to process data and supply  
21 the results of the data processing.

22            (b-5) "Computer services" means computer time or

1 services, including data processing services, Internet  
2 services, electronic mail services, electronic message  
3 services, or information or data stored in connection  
4 therewith.

5 (c) "Data" means a representation of information,  
6 knowledge, facts, concepts or instructions, including program  
7 documentation, which is prepared in a formalized manner and  
8 is stored or processed in or transmitted by a computer. Data  
9 shall be considered property and may be in any form including  
10 but not limited to printouts, magnetic or optical storage  
11 media, punch cards or data stored internally in the memory of  
12 the computer.

13 (c-5) "Electronic mail service provider" means any person  
14 who (1) is an intermediary in sending or receiving electronic  
15 mail and (2) provides to end-users of electronic mail  
16 services the ability to send or receive electronic mail.

17 (d) In addition to its meaning as defined in Section  
18 15-1 of this Code, "property" means: (1) electronic impulses;  
19 (2) electronically produced data; (3) confidential,  
20 copyrighted or proprietary information; (4) private  
21 identification codes or numbers which permit access to a  
22 computer by authorized computer users or generate billings to  
23 consumers for purchase of goods and services, including but  
24 not limited to credit card transactions and  
25 telecommunications services or permit electronic fund  
26 transfers; (5) software or programs in either machine or  
27 human readable form; or (6) any other tangible or intangible  
28 item relating to a computer or any part thereof.

29 (e) "Access" means to use, instruct, communicate with,  
30 store data in, retrieve or intercept data from, or otherwise  
31 utilize any services of a computer.

32 (f) "Services" includes but is not limited to computer  
33 time, data manipulation or storage functions.

34 (g) "Vital services or operations" means those services

1 or operations required to provide, operate, maintain, and  
 2 repair network cabling, transmission, distribution, or  
 3 computer facilities necessary to ensure or protect the public  
 4 health, safety, or welfare. Public health, safety, or  
 5 welfare include, but are not limited to, services provided by  
 6 medical personnel or institutions, fire departments,  
 7 emergency services agencies, national defense contractors,  
 8 armed forces or militia personnel, private and public utility  
 9 companies, or law enforcement agencies.

10 (h) A person "uses" a computer or computer network when  
 11 he or she attempts to cause or causes:

12 (1) a computer or computer network to perform or to  
 13 stop performing computer operations;

14 (2) the withholding or denial of the use of a  
 15 computer, a computer network, a computer program, data,  
 16 or software to another user; or

17 (3) a person to put false information into a  
 18 computer.

19 (i) "Software" means a set of computer programs,  
 20 procedures, and associated documentation concerned with data  
 21 or with the operation of a computer, computer program, or  
 22 computer network.

23 (Source: P.A. 91-233, eff. 1-1-00.)

24 (720 ILCS 5/16D-3) (from Ch. 38, par. 16D-3)

25 Sec. 16D-3. Computer Tampering.

26 (a) A person commits the offense of computer tampering  
 27 when he knowingly and without the authorization of a  
 28 computer's owner, as defined in Section 15-2 of this Code, or  
 29 in excess of the authority granted to him:

30 (1) Accesses or causes to be accessed a computer or  
 31 any part thereof, or a program or data;

32 (2) Accesses or causes to be accessed a computer or  
 33 any part thereof, or a program or data, and obtains data

1 or services;

2 (3) Accesses or causes to be accessed a computer or  
3 any part thereof, or a program or data, and damages or  
4 destroys the computer or alters, deletes or removes a  
5 computer program or data;

6 (4) Inserts or attempts to insert a "program" into  
7 a computer or computer program knowing or having reason  
8 to believe that such "program" contains information or  
9 commands that will or may damage or destroy that  
10 computer, or any other computer subsequently accessing or  
11 being accessed by that computer, or that will or may  
12 alter, delete or remove a computer program or data from  
13 that computer, or any other computer program or data in a  
14 computer subsequently accessing or being accessed by that  
15 computer, or that will or may cause loss to the users of  
16 that computer or the users of a computer which accesses  
17 or which is accessed by such "program".;

18 (5) Falsifies or forges electronic mail  
19 transmission information or other routing information in  
20 any manner in connection with the transmission of  
21 unsolicited bulk electronic mail through or into the  
22 computer network of an electronic mail service provider  
23 or its subscribers;

24 (a-5) It shall be unlawful for any person knowingly to  
25 sell, give, or otherwise distribute or possess with the  
26 intent to sell, give, or distribute software which (1) is  
27 primarily designed or produced for the purpose of  
28 facilitating or enabling the falsification of electronic mail  
29 transmission information or other routing information; (2)  
30 has only a limited commercially significant purpose or use  
31 other than to facilitate or enable the falsification of  
32 electronic mail transmission information or other routing  
33 information; or (3) is marketed by that person or another  
34 acting in concert with that person with that person's

1 knowledge--for--use---in---facilitating---or---enabling---the  
2 falsification--of--electronic-mail-transmission-information-or  
3 ether-routing-information.

4 (b) Sentence.

5 (1) A person who commits the offense of computer  
6 tampering as set forth in subsection (a)(1), ~~(a)(5)~~, or  
7 ~~(a-5)~~ of this Section shall be guilty of a Class B  
8 misdemeanor.

9 (2) A person who commits the offense of computer  
10 tampering as set forth in subsection (a)(2) of this  
11 Section shall be guilty of a Class A misdemeanor and a  
12 Class 4 felony for the second or subsequent offense.

13 (3) A person who commits the offense of computer  
14 tampering as set forth in subsection (a)(3) or subsection  
15 (a)(4) of this Section shall be guilty of a Class 4  
16 felony and a Class 3 felony for the second or subsequent  
17 offense.

18 ~~(4)--If--the--injury-arises-from-the-transmission-of~~  
19 ~~unsolicited-bulk-electronic--mail,~~ ~~the--injured--person,~~  
20 ~~other--than-an-electronic-mail-service-provider,~~ ~~may-also~~  
21 ~~recover-attorney's-fees-and-costs,~~ ~~and-may-elect,~~ ~~in-lieu~~  
22 ~~of-actual-damages,~~ ~~to-recover-the-lesser-of-\$10-for--each~~  
23 ~~and---every--unsolicited--bulk--electronic--mail--message~~  
24 ~~transmitted-in-violation-of-this-Section,~~ ~~or-\$25,000--per~~  
25 ~~day.~~ ~~The-injured-person-shall-not-have-a-cause-of-action~~  
26 ~~against--the-electronic-mail-service-provider-that-merely~~  
27 ~~transmits-the-unsolicited-bulk-electronic-mail--over--its~~  
28 ~~computer-network.~~

29 ~~(5)--If--the--injury-arises-from-the-transmission-of~~  
30 ~~unsolicited-bulk-electronic-mail,~~ ~~an--injured--electronic~~  
31 ~~mail--service--provider--may-also-recover-attorney's-fees~~  
32 ~~and-costs,~~ ~~and-may-elect,~~ ~~in-lieu-of-actual--damages,~~ ~~to~~  
33 ~~recover-the-greater-of-\$10-for-each-and-every-unsolicited~~  
34 ~~electronic-mail-advertisement-transmitted-in-violation-of~~

~~this-Section, or \$25,000 per day.~~

~~(6) The provisions of this Section shall not be construed to limit any person's right to pursue any additional civil remedy otherwise allowed by law.~~

(c) Whoever suffers loss by reason of a violation of subsection (a)(4) of this Section may, in a civil action against the violator, obtain appropriate relief. In a civil action under this Section, the court may award to the prevailing party reasonable attorney's fees and other litigation expenses.

(Source: P.A. 91-233, eff. 1-1-00.)

(720 ILCS 5/16D-4.1 new)

Sec. 16D-4.1. Transmission of unsolicited bulk electronic mail.

(a) A person commits the offense of transmission of unsolicited bulk electronic mail when he or she:

(1) knowingly uses a computer or computer network with the intent to falsify or forge electronic mail transmission information or other routing information in any manner in connection with the transmission of unsolicited bulk electronic mail through or into the computer network of an electronic mail service provider or its subscribers; or

(2) knowingly sells, gives, or otherwise distributes or possesses with the intent to sell, give, or distribute software that: (i) is primarily designed or produced for the purpose of facilitating or enabling the falsification of electronic mail transmission information or other routing information; (ii) has only limited commercially significant purpose or use other than to facilitate or enable the falsification of electronic mail transmission information or other routing information; or (iii) is marketed by that person acting alone or with

1 another for use in facilitating or enabling the  
2 falsification of electronic mail transmission information  
3 or other routing information.

4 (b) Sentence.

5 (1) A person who commits a violation of subsection  
6 (a) is guilty of a Class A misdemeanor.

7 (2) A person is guilty of a Class 4 felony if he or  
8 she commits a violation of subsection (a) and:

9 (A) the volume of unsolicited bulk electronic  
10 mail transmitted exceeded 10,000 attempted  
11 recipients in any 24-hour period, 100,000 attempted  
12 recipients in any 30-day time period, or 1,000,000  
13 attempted recipients in any one-year time period;

14 (B) the revenue generated from a specific  
15 unsolicited bulk electronic mail transmission  
16 exceeded \$1,000 or the total revenue generated from  
17 all unsolicited bulk electronic mail transmitted to  
18 any electronic mail service provider exceeded  
19 \$50,000; or

20 (C) the person is at least 18 years of age and  
21 knowingly hires, employs, uses, or permits any  
22 person who is under 18 years of age to assist in the  
23 transmission of unsolicited bulk electronic mail in  
24 violation of subdivision (b)(2)(A) or (b)(2)(B).

25 (c) Civil relief; damages.

26 (1) Any person whose property or person is injured  
27 by reason of a violation of any provision of this Section  
28 may sue therefor and recover for any damages sustained  
29 and the costs of suit. Without limiting the generality of  
30 the term, "damages" includes loss of profits.

31 (2) If the injury under this Section arises from  
32 the transmission of unsolicited bulk electronic mail in  
33 contravention of the authority granted by or in violation  
34 of the policies set by the electronic mail service

1 provider where the defendant has knowledge of the  
2 authority or policies of the electronic mail service  
3 provider or where the authority or policies of the  
4 electronic mail service provider are available on the  
5 electronic mail service provider's website, the injured  
6 person, other than an electronic mail service provider,  
7 may also recover attorney's fees and costs, and may  
8 elect, in lieu of actual damages, to recover the lesser  
9 of \$10 for each and every unsolicited bulk electronic  
10 mail advertisement transmitted in violation of this  
11 Section, or \$25,000 per day. The injured person shall not  
12 have a cause of action against the electronic mail  
13 service provider that merely transmits the unsolicited  
14 bulk electronic mail over its computer network.  
15 Transmission of electronic mail from an organization to  
16 its members shall not be deemed to be unsolicited bulk  
17 electronic mail.

18 (3) If the injury under this Section arises from  
19 the transmission of unsolicited bulk electronic mail in  
20 contravention of the authority granted by or in violation  
21 of the policies set by the electronic mail service  
22 provider where the defendant has knowledge of the  
23 authority or policies of the electronic mail service  
24 provider or where the authority or policies of the  
25 electronic mail service provider are available on the  
26 electronic mail service provider's website, an injured  
27 electronic mail service provider may also recover  
28 attorney's fees and costs, and may elect, in lieu of  
29 actual damages, to recover the greater of \$10 for each  
30 and every unsolicited electronic mail advertisement  
31 transmitted in violation of this Section, or \$25,000 per  
32 day. Transmission of electronic mail from an organization  
33 to its members shall not be deemed to be unsolicited bulk  
34 electronic mail.

1           (4) At the request of any party to an action  
 2           brought pursuant to this subsection (c), the court may,  
 3           in its discretion, conduct all legal proceedings in such  
 4           a way as to protect the secrecy and security of the  
 5           computer, computer network, computer data, computer  
 6           program and computer software involved in order to  
 7           prevent possible recurrence of the same or a similar act  
 8           by another person and to protect any trade secrets of any  
 9           party and in such a way as to protect the privacy of  
 10           nonparties who complain about violations of this section.

11           (5) The provisions of this subsection (c) shall not  
 12           be construed to limit any person's right to pursue any  
 13           additional civil remedy otherwise allowed by law.

14           (720 ILCS 5/16D-6) (from Ch. 38, par. 16D-6)

15           Sec. 16D-6. Forfeiture. 1. Any person who commits the  
 16 offense of transmission of unsolicited bulk electronic mail  
 17 as set forth in Section 16D-4.1 or computer fraud as set  
 18 forth in Section 16D-5 shall forfeit, according to the  
 19 provisions of this Section, any monies, profits or proceeds,  
 20 and any interest or property which the sentencing court  
 21 determines he has acquired or maintained, directly or  
 22 indirectly, in whole or in part, as a result of such offense.  
 23 Such person shall also forfeit any interest in, security,  
 24 claim against, or contractual right of any kind which affords  
 25 him a source of influence over any enterprise which he has  
 26 established, operated, controlled, conducted or participated  
 27 in conducting, where his relationship to or connection with  
 28 any such thing or activity directly or indirectly, in whole  
 29 or in part, is traceable to any item or benefit which he has  
 30 obtained or acquired through computer fraud or transmission  
 31 of unsolicited bulk electronic mail.

32           Proceedings instituted pursuant to this Section shall be  
 33 subject to and conducted in accordance with the following

1 procedures:

2 (a) The sentencing court shall, upon petition by the  
3 prosecuting agency, whether it is the Attorney General or a  
4 State's Attorney, at any time following sentencing, conduct a  
5 hearing to determine whether any property or property  
6 interest is subject to forfeiture under this Section. At the  
7 forfeiture hearing the People of the State of Illinois shall  
8 have the burden of establishing, by a preponderance of the  
9 evidence, that the property or property interests are subject  
10 to such forfeiture.

11 (b) In any action brought by the People of the State of  
12 Illinois under this Section, the circuit courts of Illinois  
13 shall have jurisdiction to enter such restraining orders,  
14 injunctions or prohibitions, or to take such other action in  
15 connection with any real, personal, or mixed property or  
16 other interest subject to forfeiture, as they shall consider  
17 proper.

18 (c) In any action brought by the People of the State of  
19 Illinois under this Section, wherein any restraining order,  
20 injunction or prohibition or any other action in connection  
21 with any property or interest subject to forfeiture under  
22 this Section is sought, the circuit court presiding over the  
23 trial of the person or persons charged with computer fraud or  
24 transmission of unsolicited bulk electronic mail shall first  
25 determine whether there is probable cause to believe that the  
26 person or persons so charged have committed the offense of  
27 computer fraud or the offense of transmission of unsolicited  
28 bulk electronic mail and whether the property or interest is  
29 subject to forfeiture pursuant to this Section. In order to  
30 make this determination, prior to entering any such order,  
31 the court shall conduct a hearing without a jury, where the  
32 People shall establish: (1) probable cause that the person or  
33 persons so charged have committed the offense of computer  
34 fraud or the offense of transmission of unsolicited bulk

1 electronic mail, and (2) probable cause that any property or  
2 interest may be subject to forfeiture pursuant to this  
3 Section. Such hearing may be conducted simultaneously with a  
4 preliminary hearing if the prosecution is commenced by  
5 information or complaint, or by motion of the People at any  
6 stage in the proceedings. The court may enter a finding of  
7 probable cause at a preliminary hearing following the filing  
8 of an information charging the offense of computer fraud or  
9 the offense of transmission of unsolicited bulk electronic  
10 mail or the return of an indictment by a grand jury charging  
11 the offense of computer fraud or the offense of transmission  
12 of unsolicited bulk electronic mail as sufficient evidence of  
13 probable cause for purposes of this Section. Upon such a  
14 finding, the circuit court shall enter such restraining  
15 order, injunction or prohibition, or shall take such other  
16 action in connection with any such property or other interest  
17 subject to forfeiture under this Section as is necessary to  
18 insure that such property is not removed from the  
19 jurisdiction of the court, concealed, destroyed or otherwise  
20 disposed of by the owner or holder of that property or  
21 interest prior to a forfeiture hearing under this Section.  
22 The Attorney General or State's Attorney shall file a  
23 certified copy of such restraining order, injunction or other  
24 prohibition with the recorder of deeds or registrar of titles  
25 of each county where any such property of the defendant may  
26 be located. No such injunction, restraining order or other  
27 prohibition shall affect the rights of any bona fide  
28 purchaser, mortgagee, judgment creditor or other lienholder  
29 arising prior to the date of such filing. The court may, at  
30 any time, upon verified petition by the defendant, conduct a  
31 hearing to release all or portions of any such property or  
32 interest which the court previously determined to be subject  
33 to forfeiture or subject to any restraining order,  
34 injunction, prohibition or other action. The court may

1 release such property to the defendant for good cause shown  
2 and within the sound discretion of the court.

3 (d) Upon conviction of a person under Section 16D-4.1 or  
4 Section 16D-5, the court shall authorize the Attorney General  
5 to seize and sell all property or other interest declared  
6 forfeited under this Act, unless such property is required by  
7 law to be destroyed or is harmful to the public. The court  
8 may order the Attorney General to segregate funds from the  
9 proceeds of such sale sufficient: (1) to satisfy any order  
10 of restitution, as the court may deem appropriate; (2) to  
11 satisfy any legal right, title, or interest which the court  
12 deems superior to any right, title, or interest of the  
13 defendant at the time of the commission of the acts which  
14 gave rise to forfeiture under this Section; or (3) to satisfy  
15 any bona-fide purchaser for value of the right, title, or  
16 interest in the property who was without reasonable notice  
17 that the property was subject to forfeiture. Following the  
18 entry of an order of forfeiture, the Attorney General shall  
19 publish notice of the order and his intent to dispose of the  
20 property. Within the 30 days following such publication, any  
21 person may petition the court to adjudicate the validity of  
22 his alleged interest in the property.

23 After the deduction of all requisite expenses of  
24 administration and sale, the Attorney General shall  
25 distribute the proceeds of such sale, along with any moneys  
26 forfeited or seized as follows:

27 (1) 50% shall be distributed to the unit of local  
28 government whose officers or employees conducted the  
29 investigation into computer fraud or transmission of  
30 unsolicited bulk electronic mail and caused the arrest or  
31 arrests and prosecution leading to the forfeiture. Amounts  
32 distributed to units of local government shall be used for  
33 training or enforcement purposes relating to detection,  
34 investigation or prosecution of financial crimes, including

1 computer fraud and transmission of unsolicited bulk  
2 electronic mail. In the event, however, that the  
3 investigation, arrest or arrests and prosecution leading to  
4 the forfeiture were undertaken solely by a State agency, the  
5 portion provided hereunder shall be paid into the State  
6 Police Services Fund of the Illinois Department of State  
7 Police to be used for training or enforcement purposes  
8 relating to detection, investigation or prosecution of  
9 financial crimes, including computer fraud and transmission  
10 of unsolicited bulk electronic mail.

11 (2) 50% shall be distributed to the county in which the  
12 prosecution and petition for forfeiture resulting in the  
13 forfeiture was instituted by the State's Attorney, and  
14 deposited in a special fund in the county treasury and  
15 appropriated to the State's Attorney for use in training or  
16 enforcement purposes relating to detection, investigation or  
17 prosecution of financial crimes, including computer fraud and  
18 transmission of unsolicited bulk electronic mail. Where a  
19 prosecution and petition for forfeiture resulting in the  
20 forfeiture has been maintained by the Attorney General, 50%  
21 of the proceeds shall be paid into the Attorney General's  
22 Financial Crime Prevention Fund. Where the Attorney General  
23 and the State's Attorney have participated jointly in any  
24 part of the proceedings, 25% of the proceeds forfeited shall  
25 be paid to the county in which the prosecution and petition  
26 for forfeiture resulting in the forfeiture occurred, and 25%  
27 shall be paid to the Attorney General's Financial Crime  
28 Prevention Fund to be used for the purposes as stated in this  
29 subsection.

30 2. Where any person commits a felony under any provision  
31 of this Code or another statute and the instrumentality used  
32 in the commission of the offense, or in connection with or in  
33 furtherance of a scheme or design to commit the offense, is a  
34 computer owned by the defendant or if the defendant is a

1 minor, owned by his or her parents or legal guardian, the  
2 computer shall be subject to the provisions of this Section.  
3 However, in no case shall a computer, or any part thereof, be  
4 subject to the provisions of the Section if the computer  
5 accessed in the commission of the offense is owned or leased  
6 by the victim or an innocent third party at the time of the  
7 commission of the offense or if the rights of creditors,  
8 lienholders, or any person having a security interest in the  
9 computer at the time of the commission of the offense shall  
10 be adversely affected.

11 (Source: P.A. 85-1042.)

12 Section 10. The Code of Civil Procedure is amended by  
13 changing Section 2-209 as follows:

14 (735 ILCS 5/2-209) (from Ch. 110, par. 2-209)

15 Sec. 2-209. Act submitting to jurisdiction - Process.

16 (a) Any person, whether or not a citizen or resident of  
17 this State, who in person or through an agent does any of the  
18 acts hereinafter enumerated, thereby submits such person,  
19 and, if an individual, his or her personal representative, to  
20 the jurisdiction of the courts of this State as to any cause  
21 of action arising from the doing of any of such acts:

22 (1) The transaction of any business within this  
23 State;

24 (2) The commission of a tortious act within this  
25 State;

26 (3) The ownership, use, or possession of any real  
27 estate situated in this State;

28 (4) Contracting to insure any person, property or  
29 risk located within this State at the time of  
30 contracting;

31 (5) With respect to actions of dissolution of  
32 marriage, declaration of invalidity of marriage and legal

1 separation, the maintenance in this State of a  
2 matrimonial domicile at the time this cause of action  
3 arose or the commission in this State of any act giving  
4 rise to the cause of action;

5 (6) With respect to actions brought under the  
6 Illinois Parentage Act of 1984, as now or hereafter  
7 amended, the performance of an act of sexual intercourse  
8 within this State during the possible period of  
9 conception;

10 (7) The making or performance of any contract or  
11 promise substantially connected with this State;

12 (8) The performance of sexual intercourse within  
13 this State which is claimed to have resulted in the  
14 conception of a child who resides in this State;

15 (9) The failure to support a child, spouse or  
16 former spouse who has continued to reside in this State  
17 since the person either formerly resided with them in  
18 this State or directed them to reside in this State;

19 (10) The acquisition of ownership, possession or  
20 control of any asset or thing of value present within  
21 this State when ownership, possession or control was  
22 acquired;

23 (11) The breach of any fiduciary duty within this  
24 State;

25 (12) The performance of duties as a director or  
26 officer of a corporation organized under the laws of this  
27 State or having its principal place of business within  
28 this State;

29 (13) The ownership of an interest in any trust  
30 administered within this State; ~~or~~

31 (14) The exercise of powers granted under the  
32 authority of this State as a fiduciary; or

33 (15) The use of a computer or computer network  
34 located in this State. For purposes of this subdivision

1       (15), "use" and "computer network" have the same meanings  
2       as those contained in Section 16D-2 of the Criminal Code  
3       of 1961.

4       (b) A court may exercise jurisdiction in any action  
5 arising within or without this State against any person who:

6           (1) Is a natural person present within this State  
7 when served;

8           (2) Is a natural person domiciled or resident  
9 within this State when the cause of action arose, the  
10 action was commenced, or process was served;

11           (3) Is a corporation organized under the laws of  
12 this State; or

13           (4) Is a natural person or corporation doing  
14 business within this State.

15       (c) A court may also exercise jurisdiction on any other  
16 basis now or hereafter permitted by the Illinois Constitution  
17 and the Constitution of the United States.

18       (d) Service of process upon any person who is subject to  
19 the jurisdiction of the courts of this State, as provided in  
20 this Section, may be made by personally serving the summons  
21 upon the defendant outside this State, as provided in this  
22 Act, with the same force and effect as though summons had  
23 been personally served within this State.

24       (e) Service of process upon any person who resides or  
25 whose business address is outside the United States and who  
26 is subject to the jurisdiction of the courts of this State,  
27 as provided in this Section, in any action based upon product  
28 liability may be made by serving a copy of the summons with a  
29 copy of the complaint attached upon the Secretary of State.  
30 The summons shall be accompanied by a \$5 fee payable to the  
31 Secretary of State. The plaintiff shall forthwith mail a  
32 copy of the summons, upon which the date of service upon the  
33 Secretary is clearly shown, together with a copy of the  
34 complaint to the defendant at his or her last known place of

1 residence or business address. Plaintiff shall file with the  
2 circuit clerk an affidavit of the plaintiff or his or her  
3 attorney stating the last known place of residence or the  
4 last known business address of the defendant and a  
5 certificate of mailing a copy of the summons and complaint to  
6 the defendant at such address as required by this subsection  
7 (e). The certificate of mailing shall be prima facie  
8 evidence that the plaintiff or his or her attorney mailed a  
9 copy of the summons and complaint to the defendant as  
10 required. Service of the summons shall be deemed to have been  
11 made upon the defendant on the date it is served upon the  
12 Secretary and shall have the same force and effect as though  
13 summons had been personally served upon the defendant within  
14 this State.

15 (f) Only causes of action arising from acts enumerated  
16 herein may be asserted against a defendant in an action in  
17 which jurisdiction over him or her is based upon subsection  
18 (a).

19 (g) Nothing herein contained limits or affects the right  
20 to serve any process in any other manner now or hereafter  
21 provided by law.

22 (Source: P.A. 86-840.)".