

1 AMENDMENT TO SENATE BILL 1680

2 AMENDMENT NO. _____. Amend Senate Bill 1680 by replacing
3 everything after the enacting clause with the following:

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

6 (720 ILCS 5/16-20)

7 Sec. 16-20. Criminal penalties.

8 (a) Except for violations of Section 16-19 as provided
9 for in subsection (b) or (c) of this Section, a person who
10 violates Section 16-19 is guilty of a Class A misdemeanor.

11 (b) An offense under Section 16-19 is a Class 4 felony
12 if:

13 (1) the defendant has been convicted previously
14 under Section 16-19 or convicted of any similar crime in
15 this or any federal or other state jurisdiction; or

16 (2) the violation of Section 16-19 involves at
17 least 10, but not more than 50, unlawful communication or
18 access devices.

19 (c) An offense under Section 16-19 is a Class 3 felony
20 if:

21 (1) the defendant has been convicted previously on
22 2 or more occasions for offenses under Section 16-19 or

1 for any similar crime in this or any federal or other
2 state jurisdiction; or

3 (2) the violation of Section 16-19 involves more
4 than 50 unlawful communication or access devices; or-

5 (3) a person engages in any of the prohibited acts
6 identified in Section 16-19 for the purpose of disrupting
7 the delivery of any communication service.

8 (d) For purposes of grading an offense based upon a
9 prior conviction under Section 16-19 or for any similar crime
10 under subdivisions (b)(1) and (c)(1) of this Section, a prior
11 conviction shall consist of convictions upon separate
12 indictments or criminal complaints for offenses under Section
13 16-19 or any similar crime in this or any federal or other
14 state jurisdiction.

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

22 (f) Separate offenses. For purposes of all criminal
23 penalties or fines established for violations of Section
24 16-19, the prohibited activity established in Section 16-19
25 as it applies to each unlawful communication or access device
26 shall be deemed a separate offense.

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

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

1 Corrections.

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

9 (j) Venue. An offense under Section 16-19 may be deemed
10 to have been committed at either the place where the
11 defendant manufactured or assembled an unlawful communication
12 or access device, or assisted others in doing so, or the
13 place where the unlawful communication or access device was
14 sold or delivered to a purchaser or recipient. It is not a
15 defense to a violation of Section 16-19 that some of the acts
16 constituting the offense occurred outside of the State of
17 Illinois.

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