

HB5500



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5500

by Rep. Dan Ugaste

SYNOPSIS AS INTRODUCED:

720 ILCS 5/17-0.5

Amends the Criminal Code of 2012. Includes in the definition of "computer" under the Deception and Fraud Article of the Code, a device or system that is located within, connected to, or otherwise integrated with, a motor vehicle as defined in the Illinois Vehicle Code.

LRB101 16601 RLC 65985 b

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 17-0.5 as follows:

6 (720 ILCS 5/17-0.5)

7 Sec. 17-0.5. Definitions. In this Article:

8 "Altered credit card or debit card" means any instrument or
9 device, whether known as a credit card or debit card, which has
10 been changed in any respect by addition or deletion of any
11 material, except for the signature by the person to whom the
12 card is issued.

13 "Cardholder" means the person or organization named on the
14 face of a credit card or debit card to whom or for whose
15 benefit the credit card or debit card is issued by an issuer.

16 "Computer" means a device that accepts, processes, stores,
17 retrieves, or outputs data and includes, but is not limited to,
18 a device or system that is located within, connected to, or
19 otherwise integrated with, a motor vehicle as defined in
20 Section 1-146 of the Illinois Vehicle Code, auxiliary storage,
21 including cloud-based networks of remote services hosted on the
22 Internet, and telecommunications devices connected to
23 computers.

1 "Computer network" means a set of related, remotely
2 connected devices and any communications facilities including
3 more than one computer with the capability to transmit data
4 between them through the communications facilities.

5 "Computer program" or "program" means a series of coded
6 instructions or statements in a form acceptable to a computer
7 which causes the computer to process data and supply the
8 results of the data processing.

9 "Computer services" means computer time or services,
10 including data processing services, Internet services,
11 electronic mail services, electronic message services, or
12 information or data stored in connection therewith.

13 "Counterfeit" means to manufacture, produce or create, by
14 any means, a credit card or debit card without the purported
15 issuer's consent or authorization.

16 "Credit card" means any instrument or device, whether known
17 as a credit card, credit plate, charge plate or any other name,
18 issued with or without fee by an issuer for the use of the
19 cardholder in obtaining money, goods, services or anything else
20 of value on credit or in consideration or an undertaking or
21 guaranty by the issuer of the payment of a check drawn by the
22 cardholder.

23 "Data" means a representation in any form of information,
24 knowledge, facts, concepts, or instructions, including program
25 documentation, which is prepared or has been prepared in a
26 formalized manner and is stored or processed in or transmitted

1 by a computer or in a system or network. Data is considered
2 property and may be in any form, including, but not limited to,
3 printouts, magnetic or optical storage media, punch cards, or
4 data stored internally in the memory of the computer.

5 "Debit card" means any instrument or device, known by any
6 name, issued with or without fee by an issuer for the use of
7 the cardholder in obtaining money, goods, services, and
8 anything else of value, payment of which is made against funds
9 previously deposited by the cardholder. A debit card which also
10 can be used to obtain money, goods, services and anything else
11 of value on credit shall not be considered a debit card when it
12 is being used to obtain money, goods, services or anything else
13 of value on credit.

14 "Document" includes, but is not limited to, any document,
15 representation, or image produced manually, electronically, or
16 by computer.

17 "Electronic fund transfer terminal" means any machine or
18 device that, when properly activated, will perform any of the
19 following services:

20 (1) Dispense money as a debit to the cardholder's
21 account; or

22 (2) Print the cardholder's account balances on a
23 statement; or

24 (3) Transfer funds between a cardholder's accounts; or

25 (4) Accept payments on a cardholder's loan; or

26 (5) Dispense cash advances on an open end credit or a

1 revolving charge agreement; or

2 (6) Accept deposits to a customer's account; or

3 (7) Receive inquiries of verification of checks and
4 dispense information that verifies that funds are
5 available to cover such checks; or

6 (8) Cause money to be transferred electronically from a
7 cardholder's account to an account held by any business,
8 firm, retail merchant, corporation, or any other
9 organization.

10 "Electronic funds transfer system", hereafter referred to
11 as "EFT System", means that system whereby funds are
12 transferred electronically from a cardholder's account to any
13 other account.

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

18 "Expired credit card or debit card" means a credit card or
19 debit card which is no longer valid because the term on it has
20 elapsed.

21 "False academic degree" means a certificate, diploma,
22 transcript, or other document purporting to be issued by an
23 institution of higher learning or purporting to indicate that a
24 person has completed an organized academic program of study at
25 an institution of higher learning when the person has not
26 completed the organized academic program of study indicated on

1 the certificate, diploma, transcript, or other document.

2 "False claim" means any statement made to any insurer,
3 purported insurer, servicing corporation, insurance broker, or
4 insurance agent, or any agent or employee of one of those
5 entities, and made as part of, or in support of, a claim for
6 payment or other benefit under a policy of insurance, or as
7 part of, or in support of, an application for the issuance of,
8 or the rating of, any insurance policy, when the statement does
9 any of the following:

10 (1) Contains any false, incomplete, or misleading
11 information concerning any fact or thing material to the
12 claim.

13 (2) Conceals (i) the occurrence of an event that is
14 material to any person's initial or continued right or
15 entitlement to any insurance benefit or payment or (ii) the
16 amount of any benefit or payment to which the person is
17 entitled.

18 "Financial institution" means any bank, savings and loan
19 association, credit union, or other depository of money or
20 medium of savings and collective investment.

21 "Governmental entity" means: each officer, board,
22 commission, and agency created by the Constitution, whether in
23 the executive, legislative, or judicial branch of State
24 government; each officer, department, board, commission,
25 agency, institution, authority, university, and body politic
26 and corporate of the State; each administrative unit or

1 corporate outgrowth of State government that is created by or
2 pursuant to statute, including units of local government and
3 their officers, school districts, and boards of election
4 commissioners; and each administrative unit or corporate
5 outgrowth of the foregoing items and as may be created by
6 executive order of the Governor.

7 "Incomplete credit card or debit card" means a credit card
8 or debit card which is missing part of the matter other than
9 the signature of the cardholder which an issuer requires to
10 appear on the credit card or debit card before it can be used
11 by a cardholder, and this includes credit cards or debit cards
12 which have not been stamped, embossed, imprinted or written on.

13 "Institution of higher learning" means a public or private
14 college, university, or community college located in the State
15 of Illinois that is authorized by the Board of Higher Education
16 or the Illinois Community College Board to issue post-secondary
17 degrees, or a public or private college, university, or
18 community college located anywhere in the United States that is
19 or has been legally constituted to offer degrees and
20 instruction in its state of origin or incorporation.

21 "Insurance company" means "company" as defined under
22 Section 2 of the Illinois Insurance Code.

23 "Issuer" means the business organization or financial
24 institution which issues a credit card or debit card, or its
25 duly authorized agent.

26 "Merchant" has the meaning ascribed to it in Section 16-0.1

1 of this Code.

2 "Person" means any individual, corporation, government,
3 governmental subdivision or agency, business trust, estate,
4 trust, partnership or association or any other entity.

5 "Receives" or "receiving" means acquiring possession or
6 control.

7 "Record of charge form" means any document submitted or
8 intended to be submitted to an issuer as evidence of a credit
9 transaction for which the issuer has agreed to reimburse
10 persons providing money, goods, property, services or other
11 things of value.

12 "Revoked credit card or debit card" means a credit card or
13 debit card which is no longer valid because permission to use
14 it has been suspended or terminated by the issuer.

15 "Sale" means any delivery for value.

16 "Scheme or artifice to defraud" includes a scheme or
17 artifice to deprive another of the intangible right to honest
18 services.

19 "Self-insured entity" means any person, business,
20 partnership, corporation, or organization that sets aside
21 funds to meet his, her, or its losses or to absorb fluctuations
22 in the amount of loss, the losses being charged against the
23 funds set aside or accumulated.

24 "Social networking website" means an Internet website
25 containing profile web pages of the members of the website that
26 include the names or nicknames of such members, photographs

1 placed on the profile web pages by such members, or any other
2 personal or personally identifying information about such
3 members and links to other profile web pages on social
4 networking websites of friends or associates of such members
5 that can be accessed by other members or visitors to the
6 website. A social networking website provides members of or
7 visitors to such website the ability to leave messages or
8 comments on the profile web page that are visible to all or
9 some visitors to the profile web page and may also include a
10 form of electronic mail for members of the social networking
11 website.

12 "Statement" means any assertion, oral, written, or
13 otherwise, and includes, but is not limited to: any notice,
14 letter, or memorandum; proof of loss; bill of lading; receipt
15 for payment; invoice, account, or other financial statement;
16 estimate of property damage; bill for services; diagnosis or
17 prognosis; prescription; hospital, medical, or dental chart or
18 other record, x-ray, photograph, videotape, or movie film; test
19 result; other evidence of loss, injury, or expense;
20 computer-generated document; and data in any form.

21 "Universal Price Code Label" means a unique symbol that
22 consists of a machine-readable code and human-readable
23 numbers.

24 "With intent to defraud" means to act knowingly, and with
25 the specific intent to deceive or cheat, for the purpose of
26 causing financial loss to another or bringing some financial

1 gain to oneself, regardless of whether any person was actually
2 defrauded or deceived. This includes an intent to cause another
3 to assume, create, transfer, alter, or terminate any right,
4 obligation, or power with reference to any person or property.
5 (Source: P.A. 101-87, eff. 1-1-20.)