

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 Article 1.

5 Section 1-1. Short title. This Article may be cited as the
6 Illinois Integrity, Notification, and Fairness in Online
7 Retail Marketplaces for Consumers (INFORM Consumers) Act.
8 References in this Article to "this Act" mean this Article.

9 Section 1-5. Definitions. In this Act:

10 "Consumer product" means any tangible personal property
11 that is distributed in commerce and that is normally used for
12 personal, family, or household purposes (including any such
13 property intended to be attached to or installed in any real
14 property without regard to whether it is so attached or
15 installed).

16 "High-volume third-party seller" means a participant in an
17 online marketplace who is a third-party seller and who, in any
18 continuous 12-month period during the previous 24 months, has
19 entered into 200 or more discrete sales or transactions of new
20 or unused consumer products and has an aggregate total of
21 \$5,000 or more in gross revenue. For purposes of calculating
22 the number of discrete sales or transactions or the aggregate

1 gross revenues under subsection (a) of Section 1-10, an online
2 marketplace shall only be required to count sales or
3 transactions made through the online marketplace and for which
4 payment was processed by the online marketplace, either
5 directly or through its payment processor.

6 "Online marketplace" means any person or entity that:

7 (1) operates a consumer-directed electronically based
8 or accessed platform that includes features that allow
9 for, facilitate, or enable online third-party sellers to
10 engage in the sale, purchase, payment, storage, shipping,
11 or delivery of consumer products in this State;

12 (2) is used by one or more online third-party sellers
13 for such purposes; and

14 (3) has a contractual or similar relationship with
15 consumers governing their use of the platform to purchase
16 consumer product.

17 "Seller" means a person who sells, offers to sell, or
18 contracts to sell consumer products through an online
19 marketplace's platform.

20 "Third-party seller" means any seller, independent of an
21 online marketplace, who sells, offers to sell, or contracts to
22 sell a consumer product in this State through an online
23 marketplace. "Third-party seller" does not include, with
24 respect to an online marketplace:

25 (1) a seller who operates the online marketplace's
26 platform; or

1 (2) a business entity that has:

2 (A) made available to the public the entity's
3 name, business address, and working contact
4 information;

5 (B) an ongoing contractual relationship with the
6 online marketplace to provide the online marketplace
7 with the manufacture, distribution, wholesaling, or
8 fulfillment of shipments of consumer products; and

9 (C) provided to the online marketplace identifying
10 information, as described in subsection (a) of Section
11 1-10, that has been verified in accordance with that
12 subsection.

13 "Verify" means to confirm information provided to an
14 online marketplace, including, but not limited to, by the use
15 of one or more methods that enable the online marketplace to
16 reliably determine that any information and documents provided
17 are valid, corresponding to the seller or an individual acting
18 on the seller's behalf, not misappropriated, and not
19 falsified.

20 Section 1-10. Online marketplace verification.

21 (a) Online marketplaces shall require that any high-volume
22 third-party seller on the online marketplace's platform
23 provide the online marketplace with the following information
24 no later than 10 days after qualifying as a high-volume
25 third-party seller on the platform:

1 (1) A bank account number, or, if the high-volume
2 third-party seller does not have a bank account, the name
3 of the payee for payments issued by the online marketplace
4 to the high-volume third-party seller. The bank account or
5 payee information required may be provided by the seller
6 to the online marketplace or other third parties
7 contracted by the online marketplace to maintain the
8 information, so long as the online marketplace ensures
9 that it can obtain the information on demand from the
10 other third parties.

11 (2) The contact information for the high-volume
12 third-party seller. If the high-volume third-party seller
13 is an individual, the individual's name shall be provided.
14 If the high-volume third-party seller is not an
15 individual, a copy of a valid government-issued
16 identification for an individual acting on behalf of the
17 seller that includes the individual's name or a copy of a
18 valid government-issued record or tax document that
19 includes the business name and physical address of the
20 seller shall be provided.

21 (3) A business tax identification number or, if the
22 high-volume third-party seller does not have a business
23 tax identification number, a taxpayer identification
24 number.

25 (4) A current working email address and phone number
26 for the high-volume third-party seller.

1 (b) An online marketplace shall periodically, but not less
2 than annually, notify any high-volume third-party seller on
3 the online marketplace's platform of the requirement to keep
4 any information collected under subsection (a) current and
5 require any high-volume third-party seller on the online
6 marketplace's platform to, not later than 10 days after
7 receiving the notice, electronically certify that:

8 (1) the high-volume third-party seller has provided
9 any changes to the information to the online marketplace,
10 if such changes have occurred;

11 (2) there have been no changes to the high-volume
12 third-party seller's information; or

13 (3) the high-volume third-party seller has provided
14 any changes to such information to the online marketplace.

15 (c) If a high-volume third-party seller does not provide
16 the information or certification required under this Section,
17 the online marketplace, after providing the seller with
18 written or electronic notice and an opportunity to provide the
19 information or certification not later than 10 days after the
20 issuance of the notice, shall suspend any future sales
21 activity of the seller until the seller provides the
22 information or certification.

23 (d) An online marketplace shall verify the information
24 collected under subsection (a) no later than 10 days after the
25 collection and shall verify any change to the information not
26 later than 10 days after being notified of the change by a

1 high-volume third-party seller under subsection (b). If a
2 high-volume third-party seller provides a copy of a valid
3 government-issued tax document, any information contained in
4 the document shall be presumed to be verified as of the date of
5 issuance of the document.

6 (e) An online marketplace shall require any high-volume
7 third-party seller with an aggregate total of \$20,000 or more
8 in annual gross revenues on the online marketplace, and that
9 uses the online marketplace's platform, to provide information
10 to the online marketplace that includes the identity of the
11 high-volume third-party seller, including:

12 (1) the full name of the seller or seller's company
13 name, or the name by which the seller or company operates
14 on the online marketplace;

15 (2) the physical address of the seller;

16 (3) the contact information of the seller including a
17 current working phone number; a current working email
18 address for the seller; or other means of direct
19 electronic messaging that may be provided to the
20 high-volume third-party seller by the online marketplace
21 to allow for the direct, unhindered communication with
22 high-volume third-party sellers by users of the online
23 marketplace; and

24 (4) whether the high-volume third-party seller used a
25 different seller to supply consumer products to consumers
26 upon purchase, and, upon the request of a consumer, the

1 information described in paragraph (1) of this subsection
2 (e) relating to any such seller that supplied the consumer
3 product to the consumer, if the seller is different from
4 the high-volume third-party seller listed on the product
5 listing prior to purchase.

6 (f) An online marketplace shall provide to consumers the
7 information in subsection (e) in a conspicuous manner: (i) in
8 the order confirmation message or other document or
9 communication made to a consumer after a purchase is
10 finalized; and (ii) in the consumer's account transaction
11 history.

12 (g) Upon the request of a high-volume third-party seller,
13 an online marketplace may provide for partial disclosure of
14 the identity information required under subsection (e) as
15 follows:

16 (1) If the high-volume third-party seller certifies to
17 the online marketplace that the seller does not have a
18 business address and only has a residential street
19 address, or has a combined business and residential
20 address, the online marketplace may disclose only the
21 country and, if applicable, the state in which the
22 high-volume third-party seller resides; and inform
23 consumers that there is no business address available for
24 the seller and that consumer inquiries should be submitted
25 to the seller by phone, email, or other means of
26 electronic messaging provided to the seller by the online

1 marketplace.

2 (2) If the high-volume third-party seller certifies to
3 the online marketplace that the seller is a business that
4 has a physical address for product returns, the online
5 marketplace may disclose the seller's physical address for
6 product returns.

7 (3) If a high-volume third-party seller certifies to
8 the online marketplace that the seller does not have a
9 phone number other than a personal phone number, the
10 online marketplace shall inform consumers that there is no
11 phone number available for the seller and that consumer
12 inquiries should be submitted to the seller's email
13 address or other means of electronic messaging provided to
14 the seller by the online marketplace.

15 (h) If an online marketplace becomes aware that a
16 high-volume third-party seller has made a false representation
17 to the online marketplace in order to justify the provision of
18 a partial disclosure under subsection (g) or that a
19 high-volume third-party seller who has requested and received
20 a provision for a partial disclosure under subsection (g) has
21 not provided responsive answers within a reasonable time to
22 consumer inquiries submitted to the seller by phone, email, or
23 other means of electronic messaging provided to the seller by
24 the online marketplace, the online marketplace shall, after
25 providing the seller with written or electronic notice and an
26 opportunity to respond not later than 10 days after the

1 issuance of the notice, suspend any future sales activity of
2 the seller unless the seller consents to the disclosure of the
3 identity information required under subsection (e).

4 (i) If a high-volume third-party seller does not comply
5 with the requirements to provide and disclose information
6 under this Section, the online marketplace, after providing
7 the seller with written or electronic notice and an
8 opportunity to provide or disclose the information not later
9 than 10 days after the issuance of the notice, shall suspend
10 any future sales activity of the seller until the seller
11 complies with the requirements.

12 (j) An online marketplace shall disclose to consumers in a
13 clear and conspicuous manner on the product listing of any
14 high-volume third-party seller a reporting mechanism that
15 allows for electronic and telephonic reporting of suspicious
16 marketplace activity to the online marketplace.

17 (k) Information collected solely to comply with the
18 requirements of this Section may not be used for any other
19 purpose unless required by law. An online marketplace shall
20 implement and maintain reasonable security procedures and
21 practices, including administrative, physical, and technical
22 safeguards, appropriate to the nature of the data and the
23 purposes for which the data will be used, to protect the data
24 collected under this Section from unauthorized use,
25 disclosure, access, destruction, or modification.
26 Notwithstanding anything to the contrary in this subsection,

1 the Attorney General may request, by subpoena or otherwise,
2 and use any information collected to comply with the
3 requirements of this Section to enforce the provisions of this
4 Act as set forth in subsection (1).

5 (1) If the Attorney General has reason to believe that any
6 person has violated this Act, the Attorney General may bring
7 an action in the name of the People of the State against the
8 person to restrain by preliminary or permanent injunction the
9 use of such a method, act, or practice. The court, in its
10 discretion, may exercise all powers necessary, including, but
11 not limited to: injunction; revocation, forfeiture, or
12 suspension of any license, charter, franchise, certificate, or
13 other evidence of authority of any person to do business in
14 this State; appointment of a receiver; dissolution of domestic
15 corporations or associations or suspension or termination of
16 the right of foreign corporations or associations to do
17 business in this State; and restitution. In the administration
18 of this Section, the Attorney General may accept an Assurance
19 of Voluntary Compliance with respect to any method, act, or
20 practice deemed to be violative of this Act from any person who
21 has engaged in, is engaging in, or was ab to engage in such a
22 method, act, or practice. Evidence of a violation of an
23 Assurance of Voluntary Compliance shall be prima facie
24 evidence of a violation of this Act in any subsequent
25 proceeding brought by the Attorney General against the alleged
26 violator. The Attorney General shall be empowered to issue

1 subpoenas to or examine under oath any person alleged to have
2 participated in or to have knowledge of the alleged method,
3 act, or practice in violation of this Act. Nothing in this Act
4 creates or is intended to create a private right of action
5 against any high-volume third-party seller, online marketplace
6 seller, or third-party seller based upon compliance or
7 noncompliance with its provisions.

8 (m) To the extent that a substantially similar federal law
9 or regulation conflicts with this Act, the federal law or
10 regulation controls.

11 Section 1-15. Organized Retail Crime Enforcement Fund.

12 (a) There is created in the State treasury a special fund
13 known as the Organized Retail Crime Enforcement Fund.

14 (b) Subject to appropriation, moneys in the Organized
15 Retail Crime Enforcement Fund shall be used by the Office of
16 the Attorney General to award grants to State's Attorneys'
17 offices and law enforcement agencies to investigate, indict,
18 and prosecute violations of organized retail crime.

19 (c) Moneys received for purposes of this Section,
20 including, but not limited to, fee receipts, gifts, grants,
21 and awards from any public or private entity, must be
22 deposited into the Fund.

23 (d) The Office of the Attorney General may use moneys in
24 the Fund to investigate, indict, and prosecute violations of
25 organized retail crime, for payment of awards and grants, and

1 for ordinary and contingent expenses and operational programs,
2 including law enforcement purposes.

3 (e) The Office of the Attorney General may set
4 requirements for application and distribution of grant moneys.

5 (f) As used in this Section, "organized retail crime" has
6 the meaning provided in Section 16-25.1 of the Criminal Code
7 of 2012.

8 Section 1-20. The State Finance Act is amended by adding
9 Section 5.970 as follows:

10 (30 ILCS 105/5.970 new)

11 Sec. 5.970. The Organized Retail Crime Enforcement Fund.

12 Article 2.

13 Section 2-5. The Criminal Code of 2012 is amended by
14 changing Sections 16-0.1 and 17-37 and by adding Sections
15 16-25.1 and 16-25.2 as follows:

16 (720 ILCS 5/16-0.1)

17 Sec. 16-0.1. Definitions. In this Article, unless the
18 context clearly requires otherwise, the following terms are
19 defined as indicated:

20 "Access" means to use, instruct, communicate with, store
21 data in, retrieve or intercept data from, or otherwise utilize

1 any services of a computer.

2 "Coin-operated machine" includes any automatic vending
3 machine or any part thereof, parking meter, coin telephone,
4 coin-operated transit turnstile, transit fare box, coin
5 laundry machine, coin dry cleaning machine, amusement machine,
6 music machine, vending machine dispensing goods or services,
7 or money changer.

8 "Communication device" means any type of instrument,
9 device, machine, or equipment which is capable of
10 transmitting, acquiring, decrypting, or receiving any
11 telephonic, electronic, data, Internet access, audio, video,
12 microwave, or radio transmissions, signals, communications, or
13 services, including the receipt, acquisition, transmission, or
14 decryption of all such communications, transmissions, signals,
15 or services provided by or through any cable television, fiber
16 optic, telephone, satellite, microwave, radio, Internet-based,
17 data transmission, or wireless distribution network, system or
18 facility; or any part, accessory, or component thereof,
19 including any computer circuit, security module, smart card,
20 software, computer chip, electronic mechanism or other
21 component, accessory or part of any communication device which
22 is capable of facilitating the transmission, decryption,
23 acquisition or reception of all such communications,
24 transmissions, signals, or services.

25 "Communication service" means any service lawfully
26 provided for a charge or compensation to facilitate the lawful

1 origination, transmission, emission, or reception of signs,
2 signals, data, writings, images, and sounds or intelligence of
3 any nature by telephone, including cellular telephones or a
4 wire, wireless, radio, electromagnetic, photo-electronic or
5 photo-optical system; and also any service lawfully provided
6 by any radio, telephone, cable television, fiber optic,
7 satellite, microwave, Internet-based or wireless distribution
8 network, system, facility or technology, including, but not
9 limited to, any and all electronic, data, video, audio,
10 Internet access, telephonic, microwave and radio
11 communications, transmissions, signals and services, and any
12 such communications, transmissions, signals and services
13 lawfully provided directly or indirectly by or through any of
14 those networks, systems, facilities or technologies.

15 "Communication service provider" means: (1) any person or
16 entity providing any communication service, whether directly
17 or indirectly, as a reseller, including, but not limited to, a
18 cellular, paging or other wireless communications company or
19 other person or entity which, for a fee, supplies the
20 facility, cell site, mobile telephone switching office or
21 other equipment or communication service; (2) any person or
22 entity owning or operating any cable television, fiber optic,
23 satellite, telephone, wireless, microwave, radio, data
24 transmission or Internet-based distribution network, system or
25 facility; and (3) any person or entity providing any
26 communication service directly or indirectly by or through any

1 such distribution system, network or facility.

2 "Computer" means a device that accepts, processes, stores,
3 retrieves or outputs data, and includes but is not limited to
4 auxiliary storage and telecommunications devices connected to
5 computers.

6 "Continuing course of conduct" means a series of acts, and
7 the accompanying mental state necessary for the crime in
8 question, irrespective of whether the series of acts are
9 continuous or intermittent.

10 "Delivery container" means any bakery basket of wire or
11 plastic used to transport or store bread or bakery products,
12 any dairy case of wire or plastic used to transport or store
13 dairy products, and any dolly or cart of 2 or 4 wheels used to
14 transport or store any bakery or dairy product.

15 "Document-making implement" means any implement,
16 impression, template, computer file, computer disc, electronic
17 device, computer hardware, computer software, instrument, or
18 device that is used to make a real or fictitious or fraudulent
19 personal identification document.

20 "Financial transaction device" means any of the following:

21 (1) An electronic funds transfer card.

22 (2) A credit card.

23 (3) A debit card.

24 (4) A point-of-sale card.

25 (5) Any instrument, device, card, plate, code, account
26 number, personal identification number, or a record or

1 copy of a code, account number, or personal identification
2 number or other means of access to a credit account or
3 deposit account, or a driver's license or State
4 identification card used to access a proprietary account,
5 other than access originated solely by a paper instrument,
6 that can be used alone or in conjunction with another
7 access device, for any of the following purposes:

8 (A) Obtaining money, cash refund or credit
9 account, credit, goods, services, or any other thing
10 of value.

11 (B) Certifying or guaranteeing to a person or
12 business the availability to the device holder of
13 funds on deposit to honor a draft or check payable to
14 the order of that person or business.

15 (C) Providing the device holder access to a
16 deposit account for the purpose of making deposits,
17 withdrawing funds, transferring funds between deposit
18 accounts, obtaining information pertaining to a
19 deposit account, or making an electronic funds
20 transfer.

21 "Full retail value" means the merchant's stated or
22 advertised price of the merchandise. "Full retail value"
23 includes the aggregate value of property obtained from retail
24 thefts committed by the same person as part of a continuing
25 course of conduct from one or more mercantile establishments
26 in a single transaction or in separate transactions over a

1 period of one year.

2 "Internet" means an interactive computer service or system
3 or an information service, system, or access software provider
4 that provides or enables computer access by multiple users to
5 a computer server, and includes, but is not limited to, an
6 information service, system, or access software provider that
7 provides access to a network system commonly known as the
8 Internet, or any comparable system or service and also
9 includes, but is not limited to, a World Wide Web page,
10 newsgroup, message board, mailing list, or chat area on any
11 interactive computer service or system or other online
12 service.

13 "Library card" means a card or plate issued by a library
14 facility for purposes of identifying the person to whom the
15 library card was issued as authorized to borrow library
16 material, subject to all limitations and conditions imposed on
17 the borrowing by the library facility issuing such card.

18 "Library facility" includes any public library or museum,
19 or any library or museum of an educational, historical or
20 eleemosynary institution, organization or society.

21 "Library material" includes any book, plate, picture,
22 photograph, engraving, painting, sculpture, statue, artifact,
23 drawing, map, newspaper, pamphlet, broadside, magazine,
24 manuscript, document, letter, microfilm, sound recording,
25 audiovisual material, magnetic or other tape, electronic data
26 processing record or other documentary, written or printed

1 material regardless of physical form or characteristics, or
2 any part thereof, belonging to, or on loan to or otherwise in
3 the custody of a library facility.

4 "Manufacture or assembly of an unlawful access device"
5 means to make, produce or assemble an unlawful access device
6 or to modify, alter, program or re-program any instrument,
7 device, machine, equipment or software so that it is capable
8 of defeating or circumventing any technology, device or
9 software used by the provider, owner or licensee of a
10 communication service or of any data, audio or video programs
11 or transmissions to protect any such communication, data,
12 audio or video services, programs or transmissions from
13 unauthorized access, acquisition, disclosure, receipt,
14 decryption, communication, transmission or re-transmission.

15 "Manufacture or assembly of an unlawful communication
16 device" means to make, produce or assemble an unlawful
17 communication or wireless device or to modify, alter, program
18 or reprogram a communication or wireless device to be capable
19 of acquiring, disrupting, receiving, transmitting, decrypting,
20 or facilitating the acquisition, disruption, receipt,
21 transmission or decryption of, a communication service without
22 the express consent or express authorization of the
23 communication service provider, or to knowingly assist others
24 in those activities.

25 "Master sound recording" means the original physical
26 object on which a given set of sounds were first recorded and

1 which the original object from which all subsequent sound
2 recordings embodying the same set of sounds are directly or
3 indirectly derived.

4 "Merchandise" means any item of tangible personal
5 property, including motor fuel.

6 "Merchant" means an owner or operator of any retail
7 mercantile establishment or any agent, employee, lessee,
8 consignee, officer, director, franchisee, or independent
9 contractor of the owner or operator. "Merchant" also means a
10 person who receives from an authorized user of a payment card,
11 or someone the person believes to be an authorized user, a
12 payment card or information from a payment card, or what the
13 person believes to be a payment card or information from a
14 payment card, as the instrument for obtaining, purchasing or
15 receiving goods, services, money, or anything else of value
16 from the person.

17 "Motor fuel" means a liquid, regardless of its properties,
18 used to propel a vehicle, including gasoline and diesel.

19 "Online" means the use of any electronic or wireless
20 device to access the Internet.

21 "Payment card" means a credit card, charge card, debit
22 card, or any other card that is issued to an authorized card
23 user and that allows the user to obtain, purchase, or receive
24 goods, services, money, or anything else of value from a
25 merchant.

26 "Person with a disability" means a person who suffers from

1 a physical or mental impairment resulting from disease,
2 injury, functional disorder or congenital condition that
3 impairs the individual's mental or physical ability to
4 independently manage his or her property or financial
5 resources, or both.

6 "Personal identification document" means a birth
7 certificate, a driver's license, a State identification card,
8 a public, government, or private employment identification
9 card, a social security card, a firearm owner's identification
10 card, a credit card, a debit card, or a passport issued to or
11 on behalf of a person other than the offender, or any document
12 made or issued, or falsely purported to have been made or
13 issued, by or under the authority of the United States
14 Government, the State of Illinois, or any other state
15 political subdivision of any state, or any other governmental
16 or quasi-governmental organization that is of a type intended
17 for the purpose of identification of an individual, or any
18 such document made or altered in a manner that it falsely
19 purports to have been made on behalf of or issued to another
20 person or by the authority of one who did not give that
21 authority.

22 "Personal identifying information" means any of the
23 following information:

- 24 (1) A person's name.
25 (2) A person's address.
26 (3) A person's date of birth.

1 (4) A person's telephone number.

2 (5) A person's driver's license number or State of
3 Illinois identification card as assigned by the Secretary
4 of State of the State of Illinois or a similar agency of
5 another state.

6 (6) A person's social security number.

7 (7) A person's public, private, or government
8 employer, place of employment, or employment
9 identification number.

10 (8) The maiden name of a person's mother.

11 (9) The number assigned to a person's depository
12 account, savings account, or brokerage account.

13 (10) The number assigned to a person's credit or debit
14 card, commonly known as a "Visa Card", "MasterCard",
15 "American Express Card", "Discover Card", or other similar
16 cards whether issued by a financial institution,
17 corporation, or business entity.

18 (11) Personal identification numbers.

19 (12) Electronic identification numbers.

20 (13) Digital signals.

21 (14) User names, passwords, and any other word,
22 number, character or combination of the same usable in
23 whole or part to access information relating to a specific
24 individual, or to the actions taken, communications made
25 or received, or other activities or transactions of a
26 specific individual.

1 (15) Any other numbers or information which can be
2 used to access a person's financial resources, or to
3 identify a specific individual, or the actions taken,
4 communications made or received, or other activities or
5 transactions of a specific individual.

6 "Premises of a retail mercantile establishment" includes,
7 but is not limited to, the retail mercantile establishment;
8 any common use areas in shopping centers; and all parking
9 areas set aside by a merchant or on behalf of a merchant for
10 the parking of vehicles for the convenience of the patrons of
11 such retail mercantile establishment.

12 "Public water, gas, or power supply, or other public
13 services" mean any service subject to regulation by the
14 Illinois Commerce Commission; any service furnished by a
15 public utility that is owned and operated by any political
16 subdivision, public institution of higher education or
17 municipal corporation of this State; any service furnished by
18 any public utility that is owned by such political
19 subdivision, public institution of higher education, or
20 municipal corporation and operated by any of its lessees or
21 operating agents; any service furnished by an electric
22 cooperative as defined in Section 3.4 of the Electric Supplier
23 Act; or wireless service or other service regulated by the
24 Federal Communications Commission.

25 "Publish" means to communicate or disseminate information
26 to any one or more persons, either orally, in person, or by

1 telephone, radio or television or in writing of any kind,
2 including, without limitation, a letter or memorandum,
3 circular or handbill, newspaper or magazine article or book.

4 "Radio frequency identification device" means any
5 implement, computer file, computer disc, electronic device,
6 computer hardware, computer software, or instrument that is
7 used to activate, read, receive, or decode information stored
8 on a RFID tag or transponder attached to a personal
9 identification document.

10 "RFID tag or transponder" means a chip or device that
11 contains personal identifying information from which the
12 personal identifying information can be read or decoded by
13 another device emitting a radio frequency that activates or
14 powers a radio frequency emission response from the chip or
15 transponder.

16 "Reencoder" means an electronic device that places encoded
17 information from the magnetic strip or stripe of a payment
18 card onto the magnetic strip or stripe of a different payment
19 card.

20 "Retail mercantile establishment" means any place where
21 merchandise is displayed, held, stored or offered for sale to
22 the public.

23 "Scanning device" means a scanner, reader, or any other
24 electronic device that is used to access, read, scan, obtain,
25 memorize, or store, temporarily or permanently, information
26 encoded on the magnetic strip or stripe of a payment card.

1 "Shopping cart" means those push carts of the type or
2 types which are commonly provided by grocery stores, drug
3 stores or other retail mercantile establishments for the use
4 of the public in transporting commodities in stores and
5 markets and, incidentally, from the stores to a place outside
6 the store.

7 "Sound or audio visual recording" means any sound or audio
8 visual phonograph record, disc, pre-recorded tape, film, wire,
9 magnetic tape or other object, device or medium, now known or
10 hereafter invented, by which sounds or images may be
11 reproduced with or without the use of any additional machine,
12 equipment or device.

13 "Stored value card" means any card, gift card, instrument,
14 or device issued with or without fee for the use of the
15 cardholder to obtain money, goods, services, or anything else
16 of value. Stored value cards include, but are not limited to,
17 cards issued for use as a stored value card or gift card, and
18 an account identification number or symbol used to identify a
19 stored value card. "Stored value card" does not include a
20 prepaid card usable at multiple, unaffiliated merchants or at
21 automated teller machines, or both. "Stored value card" shall
22 only apply to Section 16-25.1 of this Act.

23 "Theft detection device remover" means any tool or device
24 specifically designed and intended to be used to remove any
25 theft detection device from any merchandise.

26 "Under-ring" means to cause the cash register or other

1 sales recording device to reflect less than the full retail
2 value of the merchandise.

3 "Unidentified sound or audio visual recording" means a
4 sound or audio visual recording without the actual name and
5 full and correct street address of the manufacturer, and the
6 name of the actual performers or groups prominently and
7 legibly printed on the outside cover or jacket and on the label
8 of such sound or audio visual recording.

9 "Unlawful access device" means any type of instrument,
10 device, machine, equipment, technology, or software which is
11 primarily possessed, used, designed, assembled, manufactured,
12 sold, distributed or offered, promoted or advertised for the
13 purpose of defeating or circumventing any technology, device
14 or software, or any component or part thereof, used by the
15 provider, owner or licensee of any communication service or of
16 any data, audio or video programs or transmissions to protect
17 any such communication, audio or video services, programs or
18 transmissions from unauthorized access, acquisition, receipt,
19 decryption, disclosure, communication, transmission or
20 re-transmission.

21 "Unlawful communication device" means any electronic
22 serial number, mobile identification number, personal
23 identification number or any communication or wireless device
24 that is capable of acquiring or facilitating the acquisition
25 of a communication service without the express consent or
26 express authorization of the communication service provider,

1 or that has been altered, modified, programmed or
2 reprogrammed, alone or in conjunction with another
3 communication or wireless device or other equipment, to so
4 acquire or facilitate the unauthorized acquisition of a
5 communication service. "Unlawful communication device" also
6 means:

7 (1) any phone altered to obtain service without the
8 express consent or express authorization of the
9 communication service provider, tumbler phone, counterfeit
10 or clone phone, tumbler microchip, counterfeit or clone
11 microchip, scanning receiver of wireless communication
12 service or other instrument capable of disguising its
13 identity or location or of gaining unauthorized access to
14 a communications or wireless system operated by a
15 communication service provider; and

16 (2) any communication or wireless device which is
17 capable of, or has been altered, designed, modified,
18 programmed or reprogrammed, alone or in conjunction with
19 another communication or wireless device or devices, so as
20 to be capable of, facilitating the disruption,
21 acquisition, receipt, transmission or decryption of a
22 communication service without the express consent or
23 express authorization of the communication service
24 provider, including, but not limited to, any device,
25 technology, product, service, equipment, computer software
26 or component or part thereof, primarily distributed, sold,

1 designed, assembled, manufactured, modified, programmed,
2 reprogrammed or used for the purpose of providing the
3 unauthorized receipt of, transmission of, disruption of,
4 decryption of, access to or acquisition of any
5 communication service provided by any communication
6 service provider.

7 "Vehicle" means a motor vehicle, motorcycle, or farm
8 implement that is self-propelled and that uses motor fuel for
9 propulsion.

10 "Wireless device" includes any type of instrument, device,
11 machine, or equipment that is capable of transmitting or
12 receiving telephonic, electronic or radio communications, or
13 any part of such instrument, device, machine, or equipment, or
14 any computer circuit, computer chip, electronic mechanism, or
15 other component that is capable of facilitating the
16 transmission or reception of telephonic, electronic, or radio
17 communications.

18 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-388, eff.
19 1-1-12; 97-1109, eff. 1-1-13.)

20 (720 ILCS 5/16-25.1 new)

21 Sec. 16-25.1. Organized retail crime.

22 (a) An individual is guilty of organized retail crime when
23 that individual, in concert with another individual or any
24 group of individuals, knowingly commits the act of retail
25 theft from one or more retail mercantile establishments, and

1 in the course of or in furtherance of such crime or flight
2 therefrom:

3 (1) knowingly commits assault as defined under Section
4 12-1 or battery as defined under Section 12-3(a) (2) on the
5 premises of the retail mercantile establishment;

6 (2) knowingly commits a battery under Section
7 12-3(a) (1) on the premises of the retail mercantile
8 establishment; or

9 (3) intentionally destroys or damages the property of
10 the retail mercantile establishment.

11 (b) An individual is guilty of being a manager of the
12 organized retail crime when that individual knowingly
13 recruits, organizes, supervises, finances, or otherwise
14 manages or directs any other individual or individuals to:

15 (1) commit the act of retail theft from one or more
16 retail mercantile establishments, if the aggregate value
17 of the merchandise exceeds \$300, and the manager or the
18 individual has the intent to resell the merchandise or
19 otherwise have the merchandise reenter the stream of
20 commerce;

21 (2) commit theft of merchandise, the aggregate retail
22 value of which exceeds \$300, while the merchandise is in
23 transit from the manufacturer to the retail mercantile
24 establishment, and the manager or the individual has the
25 intent to resell the merchandise;

26 (3) obtain control over property for sale or resale,

1 the aggregate retail value of which exceeds \$300, knowing
2 the property to have been stolen or under such
3 circumstances as would reasonably induce the individual to
4 believe that the property was stolen; or

5 (4) receive, possess, or purchase any merchandise or
6 stored value cards, the aggregate retail value of which
7 exceeds \$300, obtained from a fraudulent return with the
8 knowledge that the property was obtained in violation of
9 this Section or Section 16-25.

10 (c) If acts or omissions constituting any part of the
11 commission of the charged offense under the Section occurred
12 in more than one county, each county has concurrent venue. If
13 the charged offenses under this Section occurred in more than
14 one county, the counties may join the offenses in a single
15 criminal pleading and have concurrent venue as to all charged
16 offenses. When counties have concurrent venue, the first
17 county in which a criminal complaint, information, or
18 indictment is issued in the case becomes the county with
19 exclusive venue. A violation of organized retail crime may be
20 investigated, indicted, and prosecuted pursuant to the
21 Statewide Grand Jury Act.

22 (d) Sentence. A violation of paragraph (1) or (3) of
23 subsection (a) is a Class 3 felony. A violation of paragraph
24 (2) of subsection (a) is a Class 2 felony. A violation of
25 subsection (b) is a Class 2 felony.

1 (720 ILCS 5/16-25.2 new)

2 Sec. 16-25.2. Retail loss prevention report and notice
3 requirements.

4 (a) A retail mercantile establishment that is a victim of
5 a violation of Section 16-25, 16-25.1, 17-10.6, or 25-4 shall
6 have the right:

7 (1) to timely notification of all court proceedings as
8 defined under subsection (e) of Section 3 of the Rights of
9 Crime Victims and Witnesses Act. Timely notice shall
10 include 7 days' notice of any court proceedings. Timely
11 notice shall be sent to the location of the retail
12 mercantile establishment where the violation occurred and
13 to the point of contact as provided by the retail
14 mercantile establishment. The point of contact may be any
15 employee of the retail mercantile establishment or
16 representative as provided by the retail mercantile
17 establishment;

18 (2) to communicate with the prosecution;

19 (3) to be reasonably heard at any post-arraignment
20 court proceeding in which a right of the victim is at issue
21 and any court proceeding involving a post-arraignment
22 release decision, plea, or sentencing;

23 (4) to be notified of the conviction, the sentence,
24 the imprisonment, and the release of the accused; and

25 (5) to have present at all court proceedings subject
26 to the rules of evidence an advocate of the retail

1 mercantile establishment's choice.

2 (b) Unless a retail mercantile establishment refuses to
3 file a report regarding the incident, the law enforcement
4 agency having jurisdiction shall file a report concerning the
5 incident with the State's Attorney. No law enforcement agent
6 shall discourage or attempt to discourage a retail mercantile
7 establishment from filing a police report concerning the
8 incident. Upon the request of the retail mercantile
9 establishment, the law enforcement agency having jurisdiction
10 shall provide a free copy of the police report concerning the
11 incident, as soon as practicable, but in no event later than 5
12 business days after the request. The Illinois Law Enforcement
13 Training Standards Board shall not consider any allegation of
14 a violation of this subsection that is contained in a
15 complaint made under Section 1-35 of the Police and Community
16 Relations Improvement Act.

17 (720 ILCS 5/17-37)

18 Sec. 17-37. Use of credit or debit card with intent to
19 defraud.

20 (a) A cardholder who uses a credit card or debit card
21 issued to him or her, or allows another person to use a credit
22 card or debit card issued to him or her, with intent to defraud
23 the issuer, or a person providing an item or items of value, or
24 any other person is guilty of a Class A misdemeanor if the
25 value of all items of value does not exceed \$150 in any 6-month

1 period; and is guilty of a Class 4 felony if the value exceeds
2 \$150 in any 6-month period.

3 (b) Where an investigation into an intent to defraud under
4 subsection (a) occurs, issuers shall consider a merchant's
5 timely submission of compelling evidence under the applicable
6 dispute management guidelines of the card association with
7 whom the merchant maintains an agreement. A merchant shall
8 comply with merchant responsibilities under any such
9 agreement.

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

11 Section 2-10. The Statewide Grand Jury Act is amended by
12 changing Sections 2, 3, and 4 as follows:

13 (725 ILCS 215/2) (from Ch. 38, par. 1702)

14 Sec. 2. (a) County grand juries and State's Attorneys have
15 always had and shall continue to have primary responsibility
16 for investigating, indicting, and prosecuting persons who
17 violate the criminal laws of the State of Illinois. However,
18 in recent years organized terrorist activity directed against
19 innocent civilians and certain criminal enterprises have
20 developed that require investigation, indictment, and
21 prosecution on a statewide or multicounty level. The criminal
22 enterprises exist as a result of the allure of profitability
23 present in narcotic activity, the unlawful sale and transfer
24 of firearms, and streetgang related felonies and organized

1 terrorist activity is supported by the contribution of money
2 and expert assistance from geographically diverse sources. In
3 order to shut off the life blood of terrorism and weaken or
4 eliminate the criminal enterprises, assets, and property used
5 to further these offenses must be frozen, and any profit must
6 be removed. State statutes exist that can accomplish that
7 goal. Among them are the offense of money laundering,
8 violations of Article 29D of the Criminal Code of 1961 or the
9 Criminal Code of 2012, the Narcotics Profit Forfeiture Act,
10 and gunrunning. Local prosecutors need investigative personnel
11 and specialized training to attack and eliminate these
12 profits. In light of the transitory and complex nature of
13 conduct that constitutes these criminal activities, the many
14 diverse property interests that may be used, acquired directly
15 or indirectly as a result of these criminal activities, and
16 the many places that illegally obtained property may be
17 located, it is the purpose of this Act to create a limited,
18 multicounty Statewide Grand Jury with authority to
19 investigate, indict, and prosecute: narcotic activity,
20 including cannabis and controlled substance trafficking,
21 narcotics racketeering, money laundering, violations of the
22 Cannabis and Controlled Substances Tax Act, and violations of
23 Article 29D of the Criminal Code of 1961 or the Criminal Code
24 of 2012; the unlawful sale and transfer of firearms;
25 gunrunning; and streetgang related felonies.

26 (b) A Statewide Grand Jury may also investigate, indict,

1 and prosecute violations facilitated by the use of a computer
2 of any of the following offenses: indecent solicitation of a
3 child, sexual exploitation of a child, soliciting for a
4 juvenile prostitute, keeping a place of juvenile prostitution,
5 juvenile pimping, child pornography, aggravated child
6 pornography, or promoting juvenile prostitution except as
7 described in subdivision (a)(4) of Section 11-14.4 of the
8 Criminal Code of 1961 or the Criminal Code of 2012.

9 (c) A Statewide Grand Jury may also investigate, indict,
10 and prosecute violations of organized retail crime.

11 (Source: P.A. 101-593, eff. 12-4-19.)

12 (725 ILCS 215/3) (from Ch. 38, par. 1703)

13 Sec. 3. Written application for the appointment of a
14 Circuit Judge to convene and preside over a Statewide Grand
15 Jury, with jurisdiction extending throughout the State, shall
16 be made to the Chief Justice of the Supreme Court. Upon such
17 written application, the Chief Justice of the Supreme Court
18 shall appoint a Circuit Judge from the circuit where the
19 Statewide Grand Jury is being sought to be convened, who shall
20 make a determination that the convening of a Statewide Grand
21 Jury is necessary.

22 In such application the Attorney General shall state that
23 the convening of a Statewide Grand Jury is necessary because
24 of an alleged offense or offenses set forth in this Section
25 involving more than one county of the State and identifying

1 any such offense alleged; and

2 (a) that he or she believes that the grand jury
3 function for the investigation and indictment of the
4 offense or offenses cannot effectively be performed by a
5 county grand jury together with the reasons for such
6 belief, and

7 (b) (1) that each State's Attorney with jurisdiction
8 over an offense or offenses to be investigated has
9 consented to the impaneling of the Statewide Grand Jury,
10 or

11 (2) if one or more of the State's Attorneys having
12 jurisdiction over an offense or offenses to be
13 investigated fails to consent to the impaneling of the
14 Statewide Grand Jury, the Attorney General shall set forth
15 good cause for impaneling the Statewide Grand Jury.

16 If the Circuit Judge determines that the convening of a
17 Statewide Grand Jury is necessary, he or she shall convene and
18 impanel the Statewide Grand Jury with jurisdiction extending
19 throughout the State to investigate and return indictments:

20 (a) For violations of any of the following or for any
21 other criminal offense committed in the course of
22 violating any of the following: Article 29D of the
23 Criminal Code of 1961 or the Criminal Code of 2012, the
24 Illinois Controlled Substances Act, the Cannabis Control
25 Act, the Methamphetamine Control and Community Protection
26 Act, or the Narcotics Profit Forfeiture Act; a streetgang

1 related felony offense; Section 16-25.1, 24-2.1, 24-2.2,
2 24-3, 24-3A, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or
3 subsection 24-1(a)(4), 24-1(a)(6), 24-1(a)(7),
4 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the Criminal Code
5 of 1961 or the Criminal Code of 2012; or a money laundering
6 offense; provided that the violation or offense involves
7 acts occurring in more than one county of this State; and

8 (a-5) For violations facilitated by the use of a
9 computer, including the use of the Internet, the World
10 Wide Web, electronic mail, message board, newsgroup, or
11 any other commercial or noncommercial on-line service, of
12 any of the following offenses: indecent solicitation of a
13 child, sexual exploitation of a child, soliciting for a
14 juvenile prostitute, keeping a place of juvenile
15 prostitution, juvenile pimping, child pornography,
16 aggravated child pornography, or promoting juvenile
17 prostitution except as described in subdivision (a)(4) of
18 Section 11-14.4 of the Criminal Code of 1961 or the
19 Criminal Code of 2012; and

20 (b) For the offenses of perjury, subornation of
21 perjury, communicating with jurors and witnesses, and
22 harassment of jurors and witnesses, as they relate to
23 matters before the Statewide Grand Jury.

24 "Streetgang related" has the meaning ascribed to it in
25 Section 10 of the Illinois Streetgang Terrorism Omnibus
26 Prevention Act.

1 Upon written application by the Attorney General for the
2 convening of an additional Statewide Grand Jury, the Chief
3 Justice of the Supreme Court shall appoint a Circuit Judge
4 from the circuit for which the additional Statewide Grand Jury
5 is sought. The Circuit Judge shall determine the necessity for
6 an additional Statewide Grand Jury in accordance with the
7 provisions of this Section. No more than 2 Statewide Grand
8 Juries may be empaneled at any time.

9 (Source: P.A. 101-593, eff. 12-4-19.)

10 (725 ILCS 215/4) (from Ch. 38, par. 1704)

11 Sec. 4. (a) The presiding judge of the Statewide Grand
12 Jury will receive recommendations from the Attorney General as
13 to the county in which the Grand Jury will sit. Prior to making
14 the recommendations, the Attorney General shall obtain the
15 permission of the local State's Attorney to use his or her
16 county for the site of the Statewide Grand Jury. Upon
17 receiving the Attorney General's recommendations, the
18 presiding judge will choose one of those recommended locations
19 as the site where the Grand Jury shall sit.

20 Any indictment by a Statewide Grand Jury shall be returned
21 to the Circuit Judge presiding over the Statewide Grand Jury
22 and shall include a finding as to the county or counties in
23 which the alleged offense was committed. Thereupon, the judge
24 shall, by order, designate the county of venue for the purpose
25 of trial. The judge may also, by order, direct the

1 consolidation of an indictment returned by a county grand jury
2 with an indictment returned by the Statewide Grand Jury and
3 set venue for trial.

4 (b) Venue for purposes of trial for the offense of
5 narcotics racketeering shall be proper in any county where:

6 (1) Cannabis or a controlled substance which is the
7 basis for the charge of narcotics racketeering was used;
8 acquired; transferred or distributed to, from or through;
9 or any county where any act was performed to further the
10 use; acquisition, transfer or distribution of said
11 cannabis or controlled substance; or

12 (2) Any money, property, property interest, or any
13 other asset generated by narcotics activities was
14 acquired, used, sold, transferred or distributed to, from
15 or through; or,

16 (3) Any enterprise interest obtained as a result of
17 narcotics racketeering was acquired, used, transferred or
18 distributed to, from or through, or where any activity was
19 conducted by the enterprise or any conduct to further the
20 interests of such an enterprise.

21 (c) Venue for purposes of trial for the offense of money
22 laundering shall be proper in any county where any part of a
23 financial transaction in criminally derived property took
24 place, or in any county where any money or monetary interest
25 which is the basis for the offense, was acquired, used, sold,
26 transferred or distributed to, from, or through.

1 (d) A person who commits the offense of cannabis
2 trafficking or controlled substance trafficking may be tried
3 in any county.

4 (e) Venue for purposes of trial for any violation of
5 Article 29D of the Criminal Code of 1961 or the Criminal Code
6 of 2012 may be in the county in which an act of terrorism
7 occurs, the county in which material support or resources are
8 provided or solicited, the county in which criminal assistance
9 is rendered, or any county in which any act in furtherance of
10 any violation of Article 29D of the Criminal Code of 1961 or
11 the Criminal Code of 2012 occurs.

12 (f) Venue for purposes of trial for the offense of
13 organized retail crime shall be proper in any county where:

14 (1) any property, property interest, asset, money, or
15 thing of value that is the basis for the charge of
16 organized retail crime was used, acquired, transferred, or
17 distributed to, from, or through; or any county where any
18 act was performed to further the use, acquisition,
19 transfer, or distribution of the property, property
20 interest, asset, money, or thing or value; or

21 (2) any enterprise interest obtained as a result of
22 organized retail crime was acquired, used, transferred, or
23 distributed to, from, or through, or where any activity
24 was conducted by the enterprise or any conduct to further
25 the interests of such an enterprise.

26 (Source: P.A. 97-1150, eff. 1-25-13.)

1

Article 99.

2

Section 99-99. Effective date. This Act takes effect upon

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becoming law, except that Article 1 of this Act takes effect

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January 1, 2023.