



Sen. Suzy Glowiak Hilton

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LRB102 03105 RLC 38821 a

1 AMENDMENT TO HOUSE BILL 1091

2 AMENDMENT NO. _____. Amend House Bill 1091 by replacing
3 everything after the enacting clause with the following:

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).

1 "High-volume third-party seller" means a participant in an
2 online marketplace who is a third-party seller and who, in any
3 continuous 12-month period during the previous 24 months, has
4 entered into 200 or more discrete sales or transactions of new
5 or unused consumer products and has an aggregate total of
6 \$5,000 or more in gross revenue. For purposes of calculating
7 the number of discrete sales or transactions or the aggregate
8 gross revenues under subsection (a) of Section 1-10, an online
9 marketplace shall only be required to count sales or
10 transactions made through the online marketplace and for which
11 payment was processed by the online marketplace, either
12 directly or through its payment processor.

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

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

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

21 (3) has a contractual or similar relationship with
22 consumers governing their use of the platform to purchase
23 consumer product.

24 "Seller" means a person who sells, offers to sell, or
25 contracts to sell consumer products through an online
26 marketplace's platform.

1 "Third-party seller" means any seller, independent of an
2 online marketplace, who sells, offers to sell, or contracts to
3 sell a consumer product in this State through an online
4 marketplace. "Third-party seller" does not include, with
5 respect to an online marketplace:

6 (1) a seller who operates the online marketplace's
7 platform; or

8 (2) a business entity that has:

9 (A) made available to the public the entity's
10 name, business address, and working contact
11 information;

12 (B) an ongoing contractual relationship with the
13 online marketplace to provide the online marketplace
14 with the manufacture, distribution, wholesaling, or
15 fulfillment of shipments of consumer products; and

16 (C) provided to the online marketplace identifying
17 information, as described in subsection (a) of Section
18 1-10, that has been verified in accordance with that
19 subsection.

20 "Verify" means to confirm information provided to an
21 online marketplace, including, but not limited to, by the use
22 of one or more methods that enable the online marketplace to
23 reliably determine that any information and documents provided
24 are valid, corresponding to the seller or an individual acting
25 on the seller's behalf, not misappropriated, and not
26 falsified.

1 Section 1-10. Online marketplace verification.

2 (a) Online marketplaces shall require that any high-volume
3 third-party seller on the online marketplace's platform
4 provide the online marketplace with the following information
5 no later than 10 days after qualifying as a high-volume
6 third-party seller on the platform:

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

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

1 seller shall be provided.

2 (3) A business tax identification number or, if the
3 high-volume third-party seller does not have a business
4 tax identification number, a taxpayer identification
5 number.

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

8 (b) An online marketplace shall periodically, but not less
9 than annually, notify any high-volume third-party seller on
10 the online marketplace's platform of the requirement to keep
11 any information collected under subsection (a) current and
12 require any high-volume third-party seller on the online
13 marketplace's platform to, not later than 10 days after
14 receiving the notice, electronically certify that:

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

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

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

22 (c) If a high-volume third-party seller does not provide
23 the information or certification required under this Section,
24 the online marketplace, after providing the seller with
25 written or electronic notice and an opportunity to provide the
26 information or certification not later than 10 days after the

1 issuance of the notice, shall suspend any future sales
2 activity of the seller until the seller provides the
3 information or certification.

4 (d) An online marketplace shall verify the information
5 collected under subsection (a) no later than 10 days after the
6 collection and shall verify any change to the information not
7 later than 10 days after being notified of the change by a
8 high-volume third-party seller under subsection (b). If a
9 high-volume third-party seller provides a copy of a valid
10 government-issued tax document, any information contained in
11 the document shall be presumed to be verified as of the date of
12 issuance of the document.

13 (e) An online marketplace shall require any high-volume
14 third-party seller with an aggregate total of \$20,000 or more
15 in annual gross revenues on the online marketplace, and that
16 uses the online marketplace's platform, to provide information
17 to the online marketplace that includes the identity of the
18 high-volume third-party seller, including:

19 (1) the full name of the seller or seller's company
20 name, or the name by which the seller or company operates
21 on the online marketplace;

22 (2) the physical address of the seller;

23 (3) the contact information of the seller including a
24 current working phone number; a current working email
25 address for the seller; or other means of direct
26 electronic messaging that may be provided to the

1 high-volume third-party seller by the online marketplace
2 to allow for the direct, unhindered communication with
3 high-volume third-party sellers by users of the online
4 marketplace; and

5 (4) whether the high-volume third-party seller used a
6 different seller to supply consumer products to consumers
7 upon purchase, and, upon the request of a consumer, the
8 information described in paragraph (1) of this subsection
9 (e) relating to any such seller that supplied the consumer
10 product to the consumer, if the seller is different from
11 the high-volume third-party seller listed on the product
12 listing prior to purchase.

13 (f) An online marketplace shall provide to consumers the
14 information in subsection (e) in a conspicuous manner: (i) in
15 the order confirmation message or other document or
16 communication made to a consumer after a purchase is
17 finalized; and (ii) in the consumer's account transaction
18 history.

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

23 (1) If the high-volume third-party seller certifies to
24 the online marketplace that the seller does not have a
25 business address and only has a residential street
26 address, or has a combined business and residential

1 address, the online marketplace may disclose only the
2 country and, if applicable, the state in which the
3 high-volume third-party seller resides; and inform
4 consumers that there is no business address available for
5 the seller and that consumer inquiries should be submitted
6 to the seller by phone, email, or other means of
7 electronic messaging provided to the seller by the online
8 marketplace.

9 (2) If the high-volume third-party seller certifies to
10 the online marketplace that the seller is a business that
11 has a physical address for product returns, the online
12 marketplace may disclose the seller's physical address for
13 product returns.

14 (3) If a high-volume third-party seller certifies to
15 the online marketplace that the seller does not have a
16 phone number other than a personal phone number, the
17 online marketplace shall inform consumers that there is no
18 phone number available for the seller and that consumer
19 inquiries should be submitted to the seller's email
20 address or other means of electronic messaging provided to
21 the seller by the online marketplace.

22 (h) If an online marketplace becomes aware that a
23 high-volume third-party seller has made a false representation
24 to the online marketplace in order to justify the provision of
25 a partial disclosure under subsection (g) or that a
26 high-volume third-party seller who has requested and received

1 a provision for a partial disclosure under subsection (g) has
2 not provided responsive answers within a reasonable time to
3 consumer inquiries submitted to the seller by phone, email, or
4 other means of electronic messaging provided to the seller by
5 the online marketplace, the online marketplace shall, after
6 providing the seller with written or electronic notice and an
7 opportunity to respond not later than 10 days after the
8 issuance of the notice, suspend any future sales activity of
9 the seller unless the seller consents to the disclosure of the
10 identity information required under subsection (e).

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

19 (j) An online marketplace shall disclose to consumers in a
20 clear and conspicuous manner on the product listing of any
21 high-volume third-party seller a reporting mechanism that
22 allows for electronic and telephonic reporting of suspicious
23 marketplace activity to the online marketplace.

24 (k) Information collected solely to comply with the
25 requirements of this Section may not be used for any other
26 purpose unless required by law. An online marketplace shall

1 implement and maintain reasonable security procedures and
2 practices, including administrative, physical, and technical
3 safeguards, appropriate to the nature of the data and the
4 purposes for which the data will be used, to protect the data
5 collected under this Section from unauthorized use,
6 disclosure, access, destruction, or modification.
7 Notwithstanding anything to the contrary in this subsection,
8 the Attorney General may request, by subpoena or otherwise,
9 and use any information collected to comply with the
10 requirements of this Section to enforce the provisions of this
11 Act as set forth in subsection (1).

12 (1) If the Attorney General has reason to believe that any
13 person has violated this Act, the Attorney General may bring
14 an action in the name of the People of the State against the
15 person to restrain by preliminary or permanent injunction the
16 use of such a method, act, or practice. The court, in its
17 discretion, may exercise all powers necessary, including, but
18 not limited to: injunction; revocation, forfeiture, or
19 suspension of any license, charter, franchise, certificate, or
20 other evidence of authority of any person to do business in
21 this State; appointment of a receiver; dissolution of domestic
22 corporations or associations or suspension or termination of
23 the right of foreign corporations or associations to do
24 business in this State; and restitution. In the administration
25 of this Section, the Attorney General may accept an Assurance
26 of Voluntary Compliance with respect to any method, act, or

1 practice deemed to be violative of this Act from any person who
2 has engaged in, is engaging in, or was ab to engage in such a
3 method, act, or practice. Evidence of a violation of an
4 Assurance of Voluntary Compliance shall be prima facie
5 evidence of a violation of this Act in any subsequent
6 proceeding brought by the Attorney General against the alleged
7 violator. The Attorney General shall be empowered to issue
8 subpoenas to or examine under oath any person alleged to have
9 participated in or to have knowledge of the alleged method,
10 act, or practice in violation of this Act. Nothing in this Act
11 creates or is intended to create a private right of action
12 against any high-volume third-party seller, online marketplace
13 seller, or third-party seller based upon compliance or
14 noncompliance with its provisions.

15 (m) To the extent that a substantially similar federal law
16 or regulation conflicts with this Act, the federal law or
17 regulation controls.

18 Article 2.

19 Section 2-5. The Criminal Code of 2012 is amended by
20 changing Sections 16-0.1 and 17-37 and by adding Sections
21 16-25.1 and 16-25.2 as follows:

22 (720 ILCS 5/16-0.1)

23 Sec. 16-0.1. Definitions. In this Article, unless the

1 context clearly requires otherwise, the following terms are
2 defined as indicated:

3 "Access" means to use, instruct, communicate with, store
4 data in, retrieve or intercept data from, or otherwise utilize
5 any services of a computer.

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

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

1 acquisition or reception of all such communications,
2 transmissions, signals, or services.

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

19 "Communication service provider" means: (1) any person or
20 entity providing any communication service, whether directly
21 or indirectly, as a reseller, including, but not limited to, a
22 cellular, paging or other wireless communications company or
23 other person or entity which, for a fee, supplies the
24 facility, cell site, mobile telephone switching office or
25 other equipment or communication service; (2) any person or
26 entity owning or operating any cable television, fiber optic,

1 satellite, telephone, wireless, microwave, radio, data
2 transmission or Internet-based distribution network, system or
3 facility; and (3) any person or entity providing any
4 communication service directly or indirectly by or through any
5 such distribution system, network or facility.

6 "Computer" means a device that accepts, processes, stores,
7 retrieves or outputs data, and includes but is not limited to
8 auxiliary storage and telecommunications devices connected to
9 computers.

10 "Continuing course of conduct" means a series of acts, and
11 the accompanying mental state necessary for the crime in
12 question, irrespective of whether the series of acts are
13 continuous or intermittent.

14 "Delivery container" means any bakery basket of wire or
15 plastic used to transport or store bread or bakery products,
16 any dairy case of wire or plastic used to transport or store
17 dairy products, and any dolly or cart of 2 or 4 wheels used to
18 transport or store any bakery or dairy product.

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

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

- 25 (1) An electronic funds transfer card.
26 (2) A credit card.

1 (3) A debit card.

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

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

12 (A) Obtaining money, cash refund or credit
13 account, credit, goods, services, or any other thing
14 of value.

15 (B) Certifying or guaranteeing to a person or
16 business the availability to the device holder of
17 funds on deposit to honor a draft or check payable to
18 the order of that person or business.

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

25 "Full retail value" means the merchant's stated or
26 advertised price of the merchandise. "Full retail value"

1 includes the aggregate value of property obtained from retail
2 thefts committed by the same person as part of a continuing
3 course of conduct from one or more mercantile establishments
4 in a single transaction or in separate transactions over a
5 period of one year.

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

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

22 "Library facility" includes any public library or museum,
23 or any library or museum of an educational, historical or
24 eleemosynary institution, organization or society.

25 "Library material" includes any book, plate, picture,
26 photograph, engraving, painting, sculpture, statue, artifact,

1 drawing, map, newspaper, pamphlet, broadside, magazine,
2 manuscript, document, letter, microfilm, sound recording,
3 audiovisual material, magnetic or other tape, electronic data
4 processing record or other documentary, written or printed
5 material regardless of physical form or characteristics, or
6 any part thereof, belonging to, or on loan to or otherwise in
7 the custody of a library facility.

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

19 "Manufacture or assembly of an unlawful communication
20 device" means to make, produce or assemble an unlawful
21 communication or wireless device or to modify, alter, program
22 or reprogram a communication or wireless device to be capable
23 of acquiring, disrupting, receiving, transmitting, decrypting,
24 or facilitating the acquisition, disruption, receipt,
25 transmission or decryption of, a communication service without
26 the express consent or express authorization of the

1 communication service provider, or to knowingly assist others
2 in those activities.

3 "Master sound recording" means the original physical
4 object on which a given set of sounds were first recorded and
5 which the original object from which all subsequent sound
6 recordings embodying the same set of sounds are directly or
7 indirectly derived.

8 "Merchandise" means any item of tangible personal
9 property, including motor fuel.

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

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

23 "Online" means the use of any electronic or wireless
24 device to access the Internet.

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

26 (1) operates a consumer-directed electronically based

1 or accessed platform that includes features that allow
2 for, facilitate, or enable online third-party sellers to
3 engage in the sale, purchase, payment, storage, shipping,
4 or delivery of merchandise in this State and is used by one
5 or more online third-party sellers for such purposes; and
6 (2) has a contractual or similar relationship with
7 consumers governing their use of the platform to purchase
8 merchandise.

9 "Payment card" means a credit card, charge card, debit
10 card, or any other card that is issued to an authorized card
11 user and that allows the user to obtain, purchase, or receive
12 goods, services, money, or anything else of value from a
13 merchant.

14 "Person with a disability" means a person who suffers from
15 a physical or mental impairment resulting from disease,
16 injury, functional disorder or congenital condition that
17 impairs the individual's mental or physical ability to
18 independently manage his or her property or financial
19 resources, or both.

20 "Personal identification document" means a birth
21 certificate, a driver's license, a State identification card,
22 a public, government, or private employment identification
23 card, a social security card, a firearm owner's identification
24 card, a credit card, a debit card, or a passport issued to or
25 on behalf of a person other than the offender, or any document
26 made or issued, or falsely purported to have been made or

1 issued, by or under the authority of the United States
2 Government, the State of Illinois, or any other state
3 political subdivision of any state, or any other governmental
4 or quasi-governmental organization that is of a type intended
5 for the purpose of identification of an individual, or any
6 such document made or altered in a manner that it falsely
7 purports to have been made on behalf of or issued to another
8 person or by the authority of one who did not give that
9 authority.

10 "Personal identifying information" means any of the
11 following information:

12 (1) A person's name.

13 (2) A person's address.

14 (3) A person's date of birth.

15 (4) A person's telephone number.

16 (5) A person's driver's license number or State of
17 Illinois identification card as assigned by the Secretary
18 of State of the State of Illinois or a similar agency of
19 another state.

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

21 (7) A person's public, private, or government
22 employer, place of employment, or employment
23 identification number.

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

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

1 (10) The number assigned to a person's credit or debit
2 card, commonly known as a "Visa Card", "MasterCard",
3 "American Express Card", "Discover Card", or other similar
4 cards whether issued by a financial institution,
5 corporation, or business entity.

6 (11) Personal identification numbers.

7 (12) Electronic identification numbers.

8 (13) Digital signals.

9 (14) User names, passwords, and any other word,
10 number, character or combination of the same usable in
11 whole or part to access information relating to a specific
12 individual, or to the actions taken, communications made
13 or received, or other activities or transactions of a
14 specific individual.

15 (15) Any other numbers or information which can be
16 used to access a person's financial resources, or to
17 identify a specific individual, or the actions taken,
18 communications made or received, or other activities or
19 transactions of a specific individual.

20 "Premises of a retail mercantile establishment" includes,
21 but is not limited to, the retail mercantile establishment;
22 any common use areas in shopping centers; and all parking
23 areas set aside by a merchant or on behalf of a merchant for
24 the parking of vehicles for the convenience of the patrons of
25 such retail mercantile establishment.

26 "Public water, gas, or power supply, or other public

1 services" mean any service subject to regulation by the
2 Illinois Commerce Commission; any service furnished by a
3 public utility that is owned and operated by any political
4 subdivision, public institution of higher education or
5 municipal corporation of this State; any service furnished by
6 any public utility that is owned by such political
7 subdivision, public institution of higher education, or
8 municipal corporation and operated by any of its lessees or
9 operating agents; any service furnished by an electric
10 cooperative as defined in Section 3.4 of the Electric Supplier
11 Act; or wireless service or other service regulated by the
12 Federal Communications Commission.

13 "Publish" means to communicate or disseminate information
14 to any one or more persons, either orally, in person, or by
15 telephone, radio or television or in writing of any kind,
16 including, without limitation, a letter or memorandum,
17 circular or handbill, newspaper or magazine article or book.

18 "Radio frequency identification device" means any
19 implement, computer file, computer disc, electronic device,
20 computer hardware, computer software, or instrument that is
21 used to activate, read, receive, or decode information stored
22 on a RFID tag or transponder attached to a personal
23 identification document.

24 "RFID tag or transponder" means a chip or device that
25 contains personal identifying information from which the
26 personal identifying information can be read or decoded by

1 another device emitting a radio frequency that activates or
2 powers a radio frequency emission response from the chip or
3 transponder.

4 "Reencoder" means an electronic device that places encoded
5 information from the magnetic strip or stripe of a payment
6 card onto the magnetic strip or stripe of a different payment
7 card.

8 "Retail mercantile establishment" means any place where
9 merchandise is displayed, held, stored or offered for sale to
10 the public.

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

15 "Shopping cart" means those push carts of the type or
16 types which are commonly provided by grocery stores, drug
17 stores or other retail mercantile establishments for the use
18 of the public in transporting commodities in stores and
19 markets and, incidentally, from the stores to a place outside
20 the store.

21 "Sound or audio visual recording" means any sound or audio
22 visual phonograph record, disc, pre-recorded tape, film, wire,
23 magnetic tape or other object, device or medium, now known or
24 hereafter invented, by which sounds or images may be
25 reproduced with or without the use of any additional machine,
26 equipment or device.

1 "Stored value card" means any card, gift card, instrument,
2 or device issued with or without fee for the use of the
3 cardholder to obtain money, goods, services, or anything else
4 of value. Stored value cards include, but are not limited to,
5 cards issued for use as a stored value card or gift card, and
6 an account identification number or symbol used to identify a
7 stored value card. "Stored value card" does not include a
8 prepaid card usable at multiple, unaffiliated merchants or at
9 automated teller machines, or both. "Stored value card" shall
10 only apply to Section 16-25.1 of this Act.

11 "Theft detection device remover" means any tool or device
12 specifically designed and intended to be used to remove any
13 theft detection device from any merchandise.

14 "Under-ring" means to cause the cash register or other
15 sales recording device to reflect less than the full retail
16 value of the merchandise.

17 "Unidentified sound or audio visual recording" means a
18 sound or audio visual recording without the actual name and
19 full and correct street address of the manufacturer, and the
20 name of the actual performers or groups prominently and
21 legibly printed on the outside cover or jacket and on the label
22 of such sound or audio visual recording.

23 "Unlawful access device" means any type of instrument,
24 device, machine, equipment, technology, or software which is
25 primarily possessed, used, designed, assembled, manufactured,
26 sold, distributed or offered, promoted or advertised for the

1 purpose of defeating or circumventing any technology, device
2 or software, or any component or part thereof, used by the
3 provider, owner or licensee of any communication service or of
4 any data, audio or video programs or transmissions to protect
5 any such communication, audio or video services, programs or
6 transmissions from unauthorized access, acquisition, receipt,
7 decryption, disclosure, communication, transmission or
8 re-transmission.

9 "Unlawful communication device" means any electronic
10 serial number, mobile identification number, personal
11 identification number or any communication or wireless device
12 that is capable of acquiring or facilitating the acquisition
13 of a communication service without the express consent or
14 express authorization of the communication service provider,
15 or that has been altered, modified, programmed or
16 reprogrammed, alone or in conjunction with another
17 communication or wireless device or other equipment, to so
18 acquire or facilitate the unauthorized acquisition of a
19 communication service. "Unlawful communication device" also
20 means:

21 (1) any phone altered to obtain service without the
22 express consent or express authorization of the
23 communication service provider, tumbler phone, counterfeit
24 or clone phone, tumbler microchip, counterfeit or clone
25 microchip, scanning receiver of wireless communication
26 service or other instrument capable of disguising its

1 identity or location or of gaining unauthorized access to
2 a communications or wireless system operated by a
3 communication service provider; and

4 (2) any communication or wireless device which is
5 capable of, or has been altered, designed, modified,
6 programmed or reprogrammed, alone or in conjunction with
7 another communication or wireless device or devices, so as
8 to be capable of, facilitating the disruption,
9 acquisition, receipt, transmission or decryption of a
10 communication service without the express consent or
11 express authorization of the communication service
12 provider, including, but not limited to, any device,
13 technology, product, service, equipment, computer software
14 or component or part thereof, primarily distributed, sold,
15 designed, assembled, manufactured, modified, programmed,
16 reprogrammed or used for the purpose of providing the
17 unauthorized receipt of, transmission of, disruption of,
18 decryption of, access to or acquisition of any
19 communication service provided by any communication
20 service provider.

21 "Vehicle" means a motor vehicle, motorcycle, or farm
22 implement that is self-propelled and that uses motor fuel for
23 propulsion.

24 "Wireless device" includes any type of instrument, device,
25 machine, or equipment that is capable of transmitting or
26 receiving telephonic, electronic or radio communications, or

1 any part of such instrument, device, machine, or equipment, or
2 any computer circuit, computer chip, electronic mechanism, or
3 other component that is capable of facilitating the
4 transmission or reception of telephonic, electronic, or radio
5 communications.

6 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-388, eff.
7 1-1-12; 97-1109, eff. 1-1-13.)

8 (720 ILCS 5/16-25.1 new)

9 Sec. 16-25.1. Organized retail crime.

10 (a) A person commits organized retail crime when that
11 individual, in concert with another individual or any group of
12 individuals, knowingly does any of the following:

13 (1) engages in conduct in which one or more of the
14 following apply:

15 (A) commits the act of retail theft from one or
16 more retail mercantile establishments, if the
17 aggregate value of the merchandise exceeds \$300, and
18 has the intent or purpose of reselling the merchandise
19 or otherwise having the merchandise reenter the stream
20 of commerce, including the transfer of the merchandise
21 to another retail mercantile establishment or to any
22 other individual personally, through the mail, or
23 through any electronic medium, including the Internet
24 or online marketplace, in exchange for anything of
25 value;

1 (B) commits the act of retail theft from one or
2 more retail mercantile establishments, and in the
3 course of or in furtherance of such crime or flight
4 therefrom:

5 (i) the individual assaults another on the
6 premises of the retail mercantile establishment;
7 or

8 (ii) the individual destroys, damages, or
9 defaces the property of the retail mercantile
10 establishment; or

11 (C) commits the theft of the merchandise while the
12 merchandise is in transit from the manufacturer to the
13 retail mercantile establishment and has the intent to
14 resell that merchandise.

15 (2) recruits, organizes, supervises, finances, or
16 otherwise manages or directs another individual in
17 engaging in conduct described in paragraph (1);

18 (3) conspires with another individual to engage in
19 conduct described in paragraph (1);

20 (4) obtains control over property for sale or resale
21 knowing the property to have been stolen or under such
22 circumstances as would reasonably induce the individual to
23 believe that the property was stolen;

24 (5) obtains or exerts control over property in the
25 custody of any law enforcement agency that any law
26 enforcement officer or any individual acting on behalf of

1 a law enforcement agency explicitly represents to the
2 person as being stolen or represents to the person such
3 circumstances as would reasonably induce the person to
4 believe that the property was stolen, and:

5 (A) intends to deprive the owner permanently of
6 the use or benefit of the property; or

7 (B) knowingly uses, conceals, or abandons the
8 property in such a manner as to deprive the owner
9 permanently of the use or benefit of the property; or

10 (C) uses, conceals, or abandons the property
11 knowing such use, concealment, or abandonment probably
12 will deprive the owner permanently of the use or
13 benefit of the property;

14 (6) purchases a wireless telecommunication device
15 using fraudulent credit or procures a wireless
16 telecommunications service agreement with the intent to
17 defraud another individual or to breach that agreement, or
18 uses another individual to obtain a wireless
19 telecommunications service agreement with the intent to
20 defraud another individual or to breach that agreement;

21 (7) receives, possesses, or purchases any merchandise
22 or stored value cards obtained from a fraudulent return
23 with the knowledge that the property was obtained in
24 violation of this Section or Section 16-25;

25 (8) removes, destroys, deactivates, or knowingly
26 evades any component of an anti-shoplifting or inventory

1 control device to prevent the activation of that device to
2 aid one or more individuals in engaging in conduct
3 described in paragraph (1);

4 (9) uses any artifice, instrument, container, device,
5 or other article to aid one or more individuals in
6 engaging in conduct described in paragraph (1);

7 (10) causes an emergency alarm to sound or otherwise
8 activates, deactivates, or prevents an emergency alarm
9 from sounding to aid one or more individuals in engaging
10 in conduct described in paragraph (1); or

11 (11) damages, destroys, or defaces the property of a
12 retail mercantile establishment while engaging in conduct
13 described in subparagraph (A) or (C) of paragraph (1).

14 (b) In a prosecution under paragraph (7) of subsection
15 (a), the trier of fact may infer from the defendant's receipt,
16 possession, or purchase of 10 or more stored value cards and
17 the aggregate value of the stored value cards exceeds \$300 in a
18 14-day period from the same individual or merchant that the
19 property was obtained in violation of this Section or Section
20 16-25.

21 (c) If acts or omissions constituting any part of the
22 commission of the charged offense under this Section occurred
23 in more than one county, each county has concurrent venue. If
24 the charged offenses under this Section occurred in more than
25 one county, the counties may join the offenses in a single
26 criminal pleading and have concurrent venue as to all charged

1 offenses. When counties have concurrent venue, the first
2 county in which a criminal complaint, information, or
3 indictment is issued in the case becomes the county with
4 exclusive venue. A violation of organized retail crime may be
5 investigated, indicted, and prosecuted pursuant to the
6 Statewide Grand Jury Act.

7 (d) Sentence. A violation of subdivision (1)(A),
8 (1)(B)(i), or (1)(C) or paragraph (3), (4), or (5) of
9 subsection (a) of this Section is a Class 3 felony. A violation
10 of paragraph (6) or (7) of subsection (a) is a Class 4 felony.
11 A violation of subdivision (1)(B)(ii) or paragraph (2), (8),
12 (9), (10), or (11) of subsection (a) is a Class 2 felony.

13 (720 ILCS 5/16-25.2 new)

14 Sec. 16-25.2. Retail loss prevention report and notice
15 requirements.

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

19 (1) to timely notification of all court proceedings as
20 defined under subsection (e) of Section 3 of the Rights of
21 Crime Victims and Witnesses Act. Timely notice shall
22 include 7 days' notice of any court proceedings. Timely
23 notice shall be sent to the location of the retail
24 mercantile establishment where the violation occurred and
25 to the point of contact as provided by the retail

1 mercantile establishment. The point of contact may be any
2 employee of the retail mercantile establishment or
3 representative as provided by the retail mercantile
4 establishment;

5 (2) to communicate with the prosecution;

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

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

12 (5) to have present at all court proceedings subject
13 to the rules of evidence an advocate of the retail
14 mercantile establishment's choice.

15 (b) Unless a retail mercantile establishment refuses to
16 file a report regarding the incident, the law enforcement
17 agency having jurisdiction shall file a report concerning the
18 incident with the State's Attorney. No law enforcement agent
19 shall discourage or attempt to discourage a retail mercantile
20 establishment from filing a police report concerning the
21 incident. Upon the request of the retail mercantile
22 establishment, the law enforcement agency having jurisdiction
23 shall provide a free copy of the police report concerning the
24 incident, as soon as practicable, but in no event later than 5
25 business days after the request. The Illinois Law Enforcement
26 Training Standards Board shall not consider any allegation of

1 a violation of this subsection that is contained in a
2 complaint made under Section 1-35 of the Police and Community
3 Relations Improvement Act.

4 (720 ILCS 5/17-37)

5 Sec. 17-37. Use of credit or debit card with intent to
6 defraud.

7 (a) A cardholder who uses a credit card or debit card
8 issued to him or her, or allows another person to use a credit
9 card or debit card issued to him or her, with intent to defraud
10 the issuer, or a person providing an item or items of value, or
11 any other person is guilty of a Class A misdemeanor if the
12 value of all items of value does not exceed \$150 in any 6-month
13 period; and is guilty of a Class 4 felony if the value exceeds
14 \$150 in any 6-month period.

15 (b) Where an investigation into an intent to defraud under
16 subsection (a) occurs, issuers shall consider a merchant's
17 timely submission of compelling evidence under the applicable
18 dispute management guidelines of the card association with
19 whom the merchant maintains an agreement. A merchant shall
20 comply with merchant responsibilities under any such
21 agreement.

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

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

1 (725 ILCS 215/2) (from Ch. 38, par. 1702)

2 Sec. 2. (a) County grand juries and State's Attorneys have
3 always had and shall continue to have primary responsibility
4 for investigating, indicting, and prosecuting persons who
5 violate the criminal laws of the State of Illinois. However,
6 in recent years organized terrorist activity directed against
7 innocent civilians and certain criminal enterprises have
8 developed that require investigation, indictment, and
9 prosecution on a statewide or multicounty level. The criminal
10 enterprises exist as a result of the allure of profitability
11 present in narcotic activity, the unlawful sale and transfer
12 of firearms, and streetgang related felonies and organized
13 terrorist activity is supported by the contribution of money
14 and expert assistance from geographically diverse sources. In
15 order to shut off the life blood of terrorism and weaken or
16 eliminate the criminal enterprises, assets, and property used
17 to further these offenses must be frozen, and any profit must
18 be removed. State statutes exist that can accomplish that
19 goal. Among them are the offense of money laundering,
20 violations of Article 29D of the Criminal Code of 1961 or the
21 Criminal Code of 2012, the Narcotics Profit Forfeiture Act,
22 and gunrunning. Local prosecutors need investigative personnel
23 and specialized training to attack and eliminate these
24 profits. In light of the transitory and complex nature of
25 conduct that constitutes these criminal activities, the many

1 diverse property interests that may be used, acquired directly
2 or indirectly as a result of these criminal activities, and
3 the many places that illegally obtained property may be
4 located, it is the purpose of this Act to create a limited,
5 multicounty Statewide Grand Jury with authority to
6 investigate, indict, and prosecute: narcotic activity,
7 including cannabis and controlled substance trafficking,
8 narcotics racketeering, money laundering, violations of the
9 Cannabis and Controlled Substances Tax Act, and violations of
10 Article 29D of the Criminal Code of 1961 or the Criminal Code
11 of 2012; the unlawful sale and transfer of firearms;
12 gunrunning; and streetgang related felonies.

13 (b) A Statewide Grand Jury may also investigate, indict,
14 and prosecute violations facilitated by the use of a computer
15 of any of the following offenses: indecent solicitation of a
16 child, sexual exploitation of a child, soliciting for a
17 juvenile prostitute, keeping a place of juvenile prostitution,
18 juvenile pimping, child pornography, aggravated child
19 pornography, or promoting juvenile prostitution except as
20 described in subdivision (a)(4) of Section 11-14.4 of the
21 Criminal Code of 1961 or the Criminal Code of 2012.

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

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

1 Sec. 3. Written application for the appointment of a
2 Circuit Judge to convene and preside over a Statewide Grand
3 Jury, with jurisdiction extending throughout the State, shall
4 be made to the Chief Justice of the Supreme Court. Upon such
5 written application, the Chief Justice of the Supreme Court
6 shall appoint a Circuit Judge from the circuit where the
7 Statewide Grand Jury is being sought to be convened, who shall
8 make a determination that the convening of a Statewide Grand
9 Jury is necessary.

10 In such application the Attorney General shall state that
11 the convening of a Statewide Grand Jury is necessary because
12 of an alleged offense or offenses set forth in this Section
13 involving more than one county of the State and identifying
14 any such offense alleged; and

15 (a) that he or she believes that the grand jury
16 function for the investigation and indictment of the
17 offense or offenses cannot effectively be performed by a
18 county grand jury together with the reasons for such
19 belief, and

20 (b) (1) that each State's Attorney with jurisdiction
21 over an offense or offenses to be investigated has
22 consented to the impaneling of the Statewide Grand Jury,
23 or

24 (2) if one or more of the State's Attorneys having
25 jurisdiction over an offense or offenses to be
26 investigated fails to consent to the impaneling of the

1 Statewide Grand Jury, the Attorney General shall set forth
2 good cause for impaneling the Statewide Grand Jury.

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

7 (a) For violations of any of the following or for any
8 other criminal offense committed in the course of
9 violating any of the following: Article 29D of the
10 Criminal Code of 1961 or the Criminal Code of 2012, the
11 Illinois Controlled Substances Act, the Cannabis Control
12 Act, the Methamphetamine Control and Community Protection
13 Act, or the Narcotics Profit Forfeiture Act; a streetgang
14 related felony offense; Section 16-25.1, 24-2.1, 24-2.2,
15 24-3, 24-3A, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or
16 subsection 24-1(a)(4), 24-1(a)(6), 24-1(a)(7),
17 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the Criminal Code
18 of 1961 or the Criminal Code of 2012; or a money laundering
19 offense; provided that the violation or offense involves
20 acts occurring in more than one county of this State; and

21 (a-5) For violations facilitated by the use of a
22 computer, including the use of the Internet, the World
23 Wide Web, electronic mail, message board, newsgroup, or
24 any other commercial or noncommercial on-line service, of
25 any of the following offenses: indecent solicitation of a
26 child, sexual exploitation of a child, soliciting for a

1 juvenile prostitute, keeping a place of juvenile
2 prostitution, juvenile pimping, child pornography,
3 aggravated child pornography, or promoting juvenile
4 prostitution except as described in subdivision (a)(4) of
5 Section 11-14.4 of the Criminal Code of 1961 or the
6 Criminal Code of 2012; and

7 (b) For the offenses of perjury, subornation of
8 perjury, communicating with jurors and witnesses, and
9 harassment of jurors and witnesses, as they relate to
10 matters before the Statewide Grand Jury.

11 "Streetgang related" has the meaning ascribed to it in
12 Section 10 of the Illinois Streetgang Terrorism Omnibus
13 Prevention Act.

14 Upon written application by the Attorney General for the
15 convening of an additional Statewide Grand Jury, the Chief
16 Justice of the Supreme Court shall appoint a Circuit Judge
17 from the circuit for which the additional Statewide Grand Jury
18 is sought. The Circuit Judge shall determine the necessity for
19 an additional Statewide Grand Jury in accordance with the
20 provisions of this Section. No more than 2 Statewide Grand
21 Juries may be empaneled at any time.

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

23 (725 ILCS 215/4) (from Ch. 38, par. 1704)

24 Sec. 4. (a) The presiding judge of the Statewide Grand
25 Jury will receive recommendations from the Attorney General as

1 to the county in which the Grand Jury will sit. Prior to making
2 the recommendations, the Attorney General shall obtain the
3 permission of the local State's Attorney to use his or her
4 county for the site of the Statewide Grand Jury. Upon
5 receiving the Attorney General's recommendations, the
6 presiding judge will choose one of those recommended locations
7 as the site where the Grand Jury shall sit.

8 Any indictment by a Statewide Grand Jury shall be returned
9 to the Circuit Judge presiding over the Statewide Grand Jury
10 and shall include a finding as to the county or counties in
11 which the alleged offense was committed. Thereupon, the judge
12 shall, by order, designate the county of venue for the purpose
13 of trial. The judge may also, by order, direct the
14 consolidation of an indictment returned by a county grand jury
15 with an indictment returned by the Statewide Grand Jury and
16 set venue for trial.

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

19 (1) Cannabis or a controlled substance which is the
20 basis for the charge of narcotics racketeering was used;
21 acquired; transferred or distributed to, from or through;
22 or any county where any act was performed to further the
23 use; acquisition, transfer or distribution of said
24 cannabis or controlled substance; or

25 (2) Any money, property, property interest, or any
26 other asset generated by narcotics activities was

1 acquired, used, sold, transferred or distributed to, from
2 or through; or,

3 (3) Any enterprise interest obtained as a result of
4 narcotics racketeering was acquired, used, transferred or
5 distributed to, from or through, or where any activity was
6 conducted by the enterprise or any conduct to further the
7 interests of such an enterprise.

8 (c) Venue for purposes of trial for the offense of money
9 laundering shall be proper in any county where any part of a
10 financial transaction in criminally derived property took
11 place, or in any county where any money or monetary interest
12 which is the basis for the offense, was acquired, used, sold,
13 transferred or distributed to, from, or through.

14 (d) A person who commits the offense of cannabis
15 trafficking or controlled substance trafficking may be tried
16 in any county.

17 (e) Venue for purposes of trial for any violation of
18 Article 29D of the Criminal Code of 1961 or the Criminal Code
19 of 2012 may be in the county in which an act of terrorism
20 occurs, the county in which material support or resources are
21 provided or solicited, the county in which criminal assistance
22 is rendered, or any county in which any act in furtherance of
23 any violation of Article 29D of the Criminal Code of 1961 or
24 the Criminal Code of 2012 occurs.

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

1 (1) any property, property interest, asset, money, or
2 thing of value that is the basis for the charge of
3 organized retail crime was used, acquired, transferred, or
4 distributed to, from, or through; or any county where any
5 act was performed to further the use, acquisition,
6 transfer, or distribution of the property, property
7 interest, asset, money, or thing of value; or

8 (2) any enterprise interest obtained as a result of
9 organized retail crime was acquired, used, transferred, or
10 distributed to, from, or through, or where any activity
11 was conducted by the enterprise or any conduct to further
12 the interests of such an enterprise.

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

14 Article 99.

15 Section 99-99. Effective date. This Act takes effect upon
16 becoming law, except that Article 1 of this Act takes effect
17 January 1, 2023."