



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3440

Introduced 1/18/2022, by Sen. John Connor

SYNOPSIS AS INTRODUCED:

720 ILCS 5/17-51
720 ILCS 5/17-52

was 720 ILCS 5/16D-3
was 720 ILCS 5/16D-4

Amends the Criminal Code of 2012. Provides that a person also commits computer tampering when he or she knowingly and without the authorization of a computer's owner or in excess of the authority granted to him or her intentionally introduces ransomware onto a computer, computer system, or computer network. Provides that a violation is a Class 4 felony for a first offense and a Class 3 felony for a second or subsequent offense. Provides that a person also commits aggravated computer tampering when he or she commits computer tampering (rather than computer tampering by accessing or causing to be accessed a computer or any part thereof, a computer network, or a program or data, and damaging or destroying the computer or altering, deleting, or removing a computer program or data) and he or she knowingly causes disruption of or interference with vital services or operations of a health care provider or creates a probability of death or bodily harm to one or more individuals (rather than creates a strong probability of death or great bodily harm to one or more individuals). Defines "ransomware", "health care provider", and "health care facility".

LRB102 21323 RLC 30435 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by
5 changing Sections 17-51 and 17-52 as follows:

6 (720 ILCS 5/17-51) (was 720 ILCS 5/16D-3)

7 Sec. 17-51. Computer tampering.

8 (a) A person commits computer tampering when he or she
9 knowingly and without the authorization of a computer's owner
10 or in excess of the authority granted to him or her:

11 (1) Accesses or causes to be accessed a computer or
12 any part thereof, a computer network, or a program or
13 data;

14 (2) Accesses or causes to be accessed a computer or
15 any part thereof, a computer network, or a program or
16 data, and obtains data or services;

17 (3) Accesses or causes to be accessed a computer or
18 any part thereof, a computer network, or a program or
19 data, and damages or destroys the computer or alters,
20 deletes, or removes a computer program or data;

21 (4) Inserts or attempts to insert a program into a
22 computer or computer program knowing or having reason to
23 know that such program contains information or commands

1 that will or may:

2 (A) damage or destroy that computer, or any other
3 computer subsequently accessing or being accessed by
4 that computer;

5 (B) alter, delete, or remove a computer program or
6 data from that computer, or any other computer program
7 or data in a computer subsequently accessing or being
8 accessed by that computer; or

9 (C) cause loss to the users of that computer or the
10 users of a computer which accesses or which is
11 accessed by such program; ~~or~~

12 (5) Falsifies or forges electronic mail transmission
13 information or other routing information in any manner in
14 connection with the transmission of unsolicited bulk
15 electronic mail through or into the computer network of an
16 electronic mail service provider or its subscribers; or ~~or~~

17 (6) Intentionally introduces ransomware onto a
18 computer, computer system, or computer network.

19 (a-5) Distributing software to falsify routing
20 information. It is unlawful for any person knowingly to sell,
21 give, or otherwise distribute or possess with the intent to
22 sell, give, or distribute software which:

23 (1) is primarily designed or produced for the purpose
24 of facilitating or enabling the falsification of
25 electronic mail transmission information or other routing
26 information;

1 (2) has only a limited commercially significant
2 purpose or use other than to facilitate or enable the
3 falsification of electronic mail transmission information
4 or other routing information; or

5 (3) is marketed by that person or another acting in
6 concert with that person with that person's knowledge for
7 use in facilitating or enabling the falsification of
8 electronic mail transmission information or other routing
9 information.

10 (a-10) For purposes of subsection (a), accessing a
11 computer network is deemed to be with the authorization of a
12 computer's owner if:

13 (1) the owner authorizes patrons, customers, or guests
14 to access the computer network and the person accessing
15 the computer network is an authorized patron, customer, or
16 guest and complies with all terms or conditions for use of
17 the computer network that are imposed by the owner;

18 (2) the owner authorizes the public to access the
19 computer network and the person accessing the computer
20 network complies with all terms or conditions for use of
21 the computer network that are imposed by the owner; or

22 (3) the person accesses the computer network in
23 compliance with the Revised Uniform Fiduciary Access to
24 Digital Assets Act (2015).

25 (b) Sentence.

26 (1) A person who commits computer tampering as set

1 forth in subdivision (a) (1) or (a) (5) or subsection (a-5)
2 of this Section is guilty of a Class B misdemeanor.

3 (2) A person who commits computer tampering as set
4 forth in subdivision (a) (2) of this Section is guilty of a
5 Class A misdemeanor and a Class 4 felony for the second or
6 subsequent offense.

7 (3) A person who commits computer tampering as set
8 forth in subdivision (a) (3), ~~or~~ (a) (4), or (a) (6) of this
9 Section is guilty of a Class 4 felony and a Class 3 felony
10 for the second or subsequent offense.

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

22 (5) If an injury arises from the transmission of
23 unsolicited bulk electronic mail, an injured electronic
24 mail service provider may also recover attorney's fees and
25 costs, and may elect, in lieu of actual damages, to
26 recover the greater of \$10 for each unsolicited electronic

1 mail advertisement transmitted in violation of this
2 Section, or \$25,000 per day.

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

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

12 (d) As used in this Section, "ransomware" means a computer
13 contaminant or lock that restricts access by an unauthorized
14 person to a computer, computer system, or computer network or
15 any data in a computer, computer system, or computer network
16 under circumstances in which a person demands money, property,
17 or a service to remove the computer contaminant or lock,
18 restore access to the computer, computer system, computer
19 network, or data, or otherwise remediate the impact of the
20 computer contaminant or lock.

21 (Source: P.A. 99-775, eff. 8-12-16.)

22 (720 ILCS 5/17-52) (was 720 ILCS 5/16D-4)

23 Sec. 17-52. Aggravated computer tampering.

24 (a) A person commits aggravated computer tampering when he
25 or she commits computer tampering as set forth in subsection

1 (a) paragraph (a) (3) of Section 17-51 and he or she knowingly:

2 (1) causes disruption of or interference with vital
3 services or operations of State or local government, ~~or~~ a
4 public utility, or a health care provider; or

5 (2) creates a ~~strong~~ probability of death or ~~great~~
6 bodily harm to one or more individuals.

7 (b) Sentence.

8 (1) A person who commits aggravated computer tampering
9 as set forth in paragraph (a) (1) of this Section is guilty
10 of a Class 3 felony.

11 (2) A person who commits aggravated computer tampering
12 as set forth in paragraph (a) (2) of this Section is guilty
13 of a Class 2 felony.

14 (c) In this Section:

15 "Health care facility" means a type of health care
16 provider commonly known by a wide variety of titles,
17 including, but not limited to, a hospital, medical center,
18 nursing home, rehabilitation center, long term or tertiary
19 care facility, physician office, or other facility established
20 to administer health care in its ordinary course of business
21 or practice.

22 "Health care provider" means a person who is licensed,
23 certified, or otherwise authorized or permitted by the law of
24 this State to administer health care in the ordinary course of
25 business or practice of a profession, including, but not
26 limited to, a physician, nurse, health care facility, or any

1 employee, officer, director, agent, or person under contract
2 with such a person.

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