



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/09/04, by Ron Stephens

SYNOPSIS AS INTRODUCED:

720 ILCS 5/16D-5.1 new

Amends the Criminal Code of 1961. Creates the offense of facilitating theft of on-line services. Penalty is a Class A misdemeanor when the aggregate value of service obtained is less than \$300 and a Class 4 felony when the aggregate value of service obtained is \$300 or more. A second or subsequent offense is a Class 2 felony.

LRB093 17969 RLC 43652 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 1961 is amended by adding
5 Section 16D-5.1 as follows:

6 (720 ILCS 5/16D-5.1 new)

7 Sec. 16D-5.1. Facilitating theft of on-line services.

8 (a) A person commits the offense of facilitating theft of
9 on-line services who knowingly:

10 (1) makes, obtains, possesses, or uses a computer or
11 other electronic device, or computer software with the
12 capability to gain unauthorized access to a commercial or
13 non-commercial on-line service or computerized web
14 intended to gather and disseminate information by
15 electronic means, and uses the electronic machinery or
16 computer software in his or her possession or use to gain
17 unauthorized access to an on-line service or information
18 web; or

19 (2) sells, distributes, gives, or otherwise transfers
20 to another, or offers, promotes, or advertises a computer
21 or electronic device or computer software with the
22 capability to gain unauthorized access to a commercial or
23 non-commercial on-line service or computerized web
24 intended to gather and disseminate information by
25 electronic means, under circumstances evidencing an intent
26 to use or employ these items, or to allow them to be used
27 or employed, for the purpose of gaining unauthorized access
28 to a commercial or non-commercial on-line service or
29 computerized web intended to gather and disseminate
30 information by electronic means.

31 (b) Sentence. Facilitating theft of on-line services is a
32 Class A misdemeanor when the aggregate value of service

1 obtained is less than \$300 and a Class 4 felony when the
2 aggregate value of service obtained is \$300 or more. For a
3 second or subsequent offense, or if the person convicted of the
4 offense has been previously convicted of any similar crime in
5 this or any other state or federal jurisdiction, facilitating
6 theft of on-line services is a Class 2 felony.