

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  
5 changing Section 16-20 as follows:

6 (720 ILCS 5/16-20)

7 Sec. 16-20. Criminal penalties.

8 (a) Except for violations of Section 16-19 as provided  
9 for in subsection (b) or (c) of this Section, a person who  
10 violates Section 16-19 is guilty of a Class A misdemeanor.

11 (b) An offense under Section 16-19 is a Class 4 felony  
12 if:

13 (1) the defendant has been convicted previously  
14 under Section 16-19 or convicted of any similar crime in  
15 this or any federal or other state jurisdiction; or

16 (2) the violation of Section 16-19 involves at  
17 least 10, but not more than 50, unlawful communication or  
18 access devices.

19 (c) An offense under Section 16-19 is a Class 3 felony  
20 if:

21 (1) the defendant has been convicted previously on  
22 2 or more occasions for offenses under Section 16-19 or  
23 for any similar crime in this or any federal or other  
24 state jurisdiction; or

25 (2) the violation of Section 16-19 involves more  
26 than 50 unlawful communication or access devices; ~~or-~~

27 (3) a person engages in any of the prohibited acts  
28 identified in Section 16-19 for the purpose of disrupting  
29 the delivery of any communication service.

30 (d) For purposes of grading an offense based upon a  
31 prior conviction under Section 16-19 or for any similar crime

1 under subdivisions (b)(1) and (c)(1) of this Section, a prior  
2 conviction shall consist of convictions upon separate  
3 indictments or criminal complaints for offenses under Section  
4 16-19 or any similar crime in this or any federal or other  
5 state jurisdiction.

6 (e) As provided for in subdivisions (b)(1) and (c)(1) of  
7 this Section, in grading an offense under Section 16-19 based  
8 upon a prior conviction, the term "any similar crime" shall  
9 include, but not be limited to, offenses involving theft of  
10 service or fraud, including violations of the Cable  
11 Communications Policy Act of 1984 (Public Law 98-549, 98  
12 Stat. 2779).

13 (f) Separate offenses. For purposes of all criminal  
14 penalties or fines established for violations of Section  
15 16-19, the prohibited activity established in Section 16-19  
16 as it applies to each unlawful communication or access device  
17 shall be deemed a separate offense.

18 (g) Fines. For purposes of imposing fines upon  
19 conviction of a defendant for an offense under Section 16-19,  
20 all fines shall be imposed in accordance with Article 9 of  
21 Chapter V of the Unified Code of Corrections.

22 (h) Restitution. The court shall, in addition to any  
23 other sentence authorized by law, sentence a person convicted  
24 of violating Section 16-19 to make restitution in the manner  
25 provided in Article 5 of Chapter V of the Unified Code of  
26 Corrections.

27 (i) Forfeiture of unlawful communication or access  
28 devices. Upon conviction of a defendant under Section 16-19,  
29 the court may, in addition to any other sentence authorized  
30 by law, direct that the defendant forfeit any unlawful  
31 communication or access devices in the defendant's possession  
32 or control which were involved in the violation for which the  
33 defendant was convicted.

34 (j) Venue. An offense under Section 16-19 may be deemed

1 to have been committed at either the place where the  
2 defendant manufactured or assembled an unlawful communication  
3 or access device, or assisted others in doing so, or the  
4 place where the unlawful communication or access device was  
5 sold or delivered to a purchaser or recipient. It is not a  
6 defense to a violation of Section 16-19 that some of the acts  
7 constituting the offense occurred outside of the State of  
8 Illinois.

9 (Source: P.A. 92-728, eff. 1-1-03.)