1   AN ACT concerning cable television.

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 for

9   in subsection (b) or (c) of this Section, a person who violates

10   Section 16-19 is guilty of a Class A misdemeanor.

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

12   (1) the defendant has been convicted previously under

13   Section 16-19 or convicted of any similar crime in this or

14   any federal or other state jurisdiction; or

15   (2) the violation of Section 16-19 involves at least

16   10, but not more than 50, unlawful communication or access

17   devices; or.

18   (3) a person engages in conduct identified in

19   subdivision (3) of Section 16-19 for the purpose of, and

20   with the intention of, substantially disrupting and

21   impairing the ability of a communication service provider

22   to deliver communication services to its lawful customers

23   or subscribers.

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

25   (1) the defendant has been convicted previously on 2 or

26   more occasions for offenses under Section 16-19 or for any

27   similar crime in this or any federal or other state

28   jurisdiction; or

29   (2) the violation of Section 16-19 involves more than

30   50 unlawful communication or access devices.

31   (d) For purposes of grading an offense based upon a prior

32   conviction under Section 16-19 or for any similar crime under

1 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 Stat.

12 2779).

13   (f) Separate offenses. For purposes of all criminal

14 penalties or fines established for violations of Section 16-19,

15 the prohibited activity established in Section 16-19 as it

16 applies to each unlawful communication or access device shall

17 be deemed a separate offense.

18   (g) Fines. For purposes of imposing fines upon conviction

19 of a defendant for an offense under Section 16-19, all fines

20 shall be imposed in accordance with Article 9 of Chapter V of

21 the Unified Code of Corrections.

22   (h) Restitution. The court shall, in addition to any other

23 sentence authorized by law, sentence a person convicted of

24 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 by

30 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 to

35 have been committed at either the place where the defendant

36 manufactured or assembled an unlawful communication or access

1   device, or assisted others in doing so, or the place where the

2   unlawful communication or access device was sold or delivered

3   to a purchaser or recipient. It is not a defense to a violation

4   of Section 16-19 that some of the acts constituting the offense

5   occurred outside of the State of Illinois.

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

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

8   becoming law.