

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 changing
5 Sections 16G-21 and 16H-1 and by adding Section 16G-13 as
6 follows:

7 (720 ILCS 5/16G-13 new)

8 Sec. 16G-13. Facilitating identity theft.

9 (a) A person commits the offense of facilitating identity
10 theft when he or she, in the course of his or her employment or
11 official duties, has access to the personal information of
12 another person in the possession of the State of Illinois,
13 whether written, recorded, or on computer disk and knowingly,
14 with the intent of committing identity theft, aggravated
15 identity theft, or any violation of the Illinois Financial
16 Crime Law, disposes of that written, recorded, or computerized
17 information in any receptacle, trash can, or other container
18 that the public could gain access to, without shredding that
19 information, destroying the recording, or wiping the computer
20 disk so that the information is either unintelligible or
21 destroyed.

22 (b) Sentence. Facilitating identity theft is a Class A
23 misdemeanor for a first offense and a Class 4 felony for a
24 second or subsequent offense.

25 (c) For purposes of this Section, "personal information"
26 has the meaning provided in the Personal Information Protection
27 Act.

28 (720 ILCS 5/16G-21)

29 Sec. 16G-21. Civil remedies. A person who is convicted of
30 facilitating identity theft, identity theft, or aggravated
31 identity theft is liable in a civil action to the person who

1 suffered damages as a result of the violation. The person
2 suffering damages may recover court costs, attorney's fees,
3 lost wages, and actual damages.

4 (Source: P.A. 92-686, eff. 7-16-02; 93-401, eff. 7-31-03.)

5 (720 ILCS 5/16H-1)

6 Sec. 16H-1. Short title. This Article may be cited as the
7 Illinois Financial Crime Law Act.

8 (Source: P.A. 93-440, eff. 8-5-03.)