



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4648

by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

New Act

720 ILCS 5/17-51

720 ILCS 5/17-54

was 720 ILCS 5/16D-3

was 720 ILCS 5/16D-7

Creates the Revised Uniform Fiduciary Access to Digital Assets Act (2015). Defines terms. Provides procedures and requirements for the access and control by guardians, executors, agents, and other fiduciaries of the digital assets of persons who are deceased, under a legal disability, or subject to the terms of a trust. Adds provisions concerning: applicability; user direction for disclosure of digital assets; terms-of-service agreements; fiduciary duty and authority; custodian compliance and immunity; the Act's relation to federal laws governing electronic signatures; and severability. Makes corresponding changes in the Criminal Code of 2012.

LRB099 17036 HEP 41390 b

1 AN ACT concerning digital assets.

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

4 Section 1. Short title. This Act may be cited as the
5 Revised Uniform Fiduciary Access to Digital Assets Act (2015).

6 Section 2. Definitions. In this Act:

7 (1) "Account" means an arrangement under a
8 terms-of-service agreement in which a custodian carries,
9 maintains, processes, receives, or stores a digital asset of
10 the user or provides goods or services to the user.

11 (2) "Agent" means an attorney-in-fact granted authority
12 under a durable or nondurable power of attorney.

13 (3) "Carries" means engages in the transmission of an
14 electronic communication.

15 (4) "Catalogue of electronic communications" means
16 information that identifies each person with which a user has
17 had an electronic communication, the time and date of the
18 communication, and the electronic address of the person.

19 (5) "Guardian" means a person appointed by a court to
20 manage the estate of a living individual. The term includes a
21 standby or temporary guardian.

22 (6) "Content of an electronic communication" means
23 information concerning the substance or meaning of the

1 communication which:

2 (A) has been sent or received by a user;

3 (B) is in electronic storage by a custodian providing
4 an electronic-communication service to the public or is
5 carried or maintained by a custodian providing a
6 remote-computing service to the public; and

7 (C) is not readily accessible to the public.

8 (7) "Court" means a court of competent jurisdiction.

9 (8) "Custodian" means a person that carries, maintains,
10 processes, receives, or stores a digital asset of a user.

11 (9) "Designated recipient" means a person chosen by a user
12 using an online tool to administer digital assets of the user.

13 (10) "Digital asset" means an electronic record in which an
14 individual has a right or interest. The term does not include
15 an underlying asset or liability unless the asset or liability
16 is itself an electronic record.

17 (11) "Electronic" means relating to technology having
18 electrical, digital, magnetic, wireless, optical,
19 electromagnetic, or similar capabilities.

20 (12) "Electronic communication" has the meaning set forth
21 in 18 U.S.C. Section 2510(12), as amended.

22 (13) "Electronic communication service" means a custodian
23 that provides to a user the ability to send or receive an
24 electronic communication.

25 (14) "Fiduciary" means an original, additional, or
26 successor personal representative, guardian, agent, or

1 trustee.

2 (15) "Information" means data, text, images, videos,
3 sounds, codes, computer programs, software, databases, or the
4 like.

5 (16) "Online tool" means an electronic service provided by
6 a custodian that allows a user that has attained the age of 18
7 and is not a "person with a disability" as defined in
8 subsection (21), in an agreement distinct from the
9 terms-of-service agreement between the custodian and user, to
10 provide directions for disclosure or nondisclosure of digital
11 assets to a third person.

12 (17) "Person" means an individual, estate, business or
13 nonprofit entity, public corporation, government or
14 governmental subdivision, agency, or instrumentality, or other
15 legal entity.

16 (18) "Personal representative" means an executor,
17 administrator, special administrator, or person that performs
18 substantially the same function under law of this state other
19 than this Act.

20 (19) "Power of attorney" means a record that grants an
21 agent authority to act in the place of a principal.

22 (20) "Principal" means an individual who grants authority
23 to an agent in a power of attorney.

24 (21) "Person with a disability" means an individual for
25 whom a guardian has been appointed. The term includes an
26 individual for whom an application for the appointment of a

1 guardian is pending.

2 (22) "Record" means information that is inscribed on a
3 tangible medium or that is stored in an electronic or other
4 medium and is retrievable in perceivable form.

5 (23) "Remote-computing service" means a custodian that
6 provides to a user computer-processing services or the storage
7 of digital assets by means of an electronic communications
8 system, as defined in 18 U.S.C. Section 2510(14), as amended.

9 (24) "Terms-of-service agreement" means an agreement that
10 controls the relationship between a user and a custodian.

11 (25) "Trustee" means a fiduciary with legal title to
12 property under an agreement or declaration that creates a
13 beneficial interest in another. The term includes a successor
14 trustee.

15 (26) "User" means a person that has an account with a
16 custodian.

17 (27) "Will" includes a codicil, testamentary instrument
18 that only appoints an executor, and instrument that revokes or
19 revises a testamentary instrument.

20 Section 3. Applicability.

21 (a) This Act applies to:

22 (1) a fiduciary acting under a will or power of
23 attorney executed before, on, or after the effective date
24 of this Act;

25 (2) a personal representative acting for a decedent who

1 died before, on, or after the effective date of this Act;

2 (3) a guardianship proceeding commenced before, on, or
3 after the effective date of this Act; and

4 (4) a trustee acting under a trust created before, on,
5 or after the effective date of this Act.

6 (b) This Act applies to a custodian if the user resides in
7 this state or resided in this state at the time of the user's
8 death.

9 (c) This Act does not apply to a digital asset of an
10 employer used by an employee in the ordinary course of the
11 employer's business.

12 Section 4. User direction for disclosure of digital assets.

13 (a) A user may use an online tool to direct the custodian
14 to disclose or not to disclose some or all of the user's
15 digital assets, including the content of electronic
16 communications. If the online tool allows the user to modify or
17 delete a direction at all times, a direction regarding
18 disclosure using an online tool overrides a contrary direction
19 by the user in a will, trust, power of attorney, or other
20 record.

21 (b) If a user has not used an online tool to give direction
22 under subsection (a) or if the custodian has not provided an
23 online tool, the user may allow or prohibit in a will, trust,
24 power of attorney, or other record, disclosure to a fiduciary
25 of some or all of the user's digital assets, including the

1 content of electronic communications sent or received by the
2 user.

3 (c) A user's direction under subsection (a) or (b)
4 overrides a contrary provision in a terms-of-service agreement
5 that does not require the user to act affirmatively and
6 distinctly from the user's assent to the terms of service.

7 Section 5. Terms-of-service agreement.

8 (a) This Act does not change or impair a right of a
9 custodian or a user under a terms-of-service agreement to
10 access and use digital assets of the user.

11 (b) This Act does not give a fiduciary any new or expanded
12 rights other than those held by the user for whom, or for whose
13 estate, the fiduciary acts or represents.

14 (c) A fiduciary's access to digital assets may be modified
15 or eliminated by a user, by federal law, or by a
16 terms-of-service agreement if the user has not provided
17 direction under Section 4.

18 Section 6. Procedure for disclosing digital assets.

19 (a) When disclosing digital assets of a user under this
20 Act, the custodian may at its sole discretion:

21 (1) grant a fiduciary or designated recipient full
22 access to the user's account;

23 (2) grant a fiduciary or designated recipient partial
24 access to the user's account sufficient to perform the

1 tasks with which the fiduciary or designated recipient is
2 charged; or

3 (3) provide a fiduciary or designated recipient a copy
4 in a record of any digital asset that, on the date the
5 custodian received the request for disclosure, the user
6 could have accessed if the user were alive and had full
7 capacity and access to the account.

8 (b) A custodian may assess a reasonable administrative
9 charge for the cost of disclosing digital assets under this
10 Act.

11 (c) A custodian need not disclose under this Act a digital
12 asset deleted by a user.

13 (d) If a user directs or a fiduciary requests a custodian
14 to disclose under this Act some, but not all, of the user's
15 digital assets, the custodian need not disclose the assets if
16 segregation of the assets would impose an undue burden on the
17 custodian. If the custodian believes the direction or request
18 imposes an undue burden, the custodian or fiduciary may seek an
19 order from the court to disclose:

20 (1) a subset limited by date of the user's digital
21 assets;

22 (2) all of the user's digital assets to the fiduciary
23 or designated recipient;

24 (3) none of the user's digital assets; or

25 (4) all of the user's digital assets to the court for
26 review in camera.

1 Section 7. Disclosure of content of electronic
2 communications of deceased user. If a deceased user consented
3 or a court directs disclosure of the contents of electronic
4 communications of the user, the custodian shall disclose to the
5 personal representative of the estate of the user the content
6 of an electronic communication sent or received by the user if
7 the representative gives the custodian:

8 (1) a written request for disclosure in physical or
9 electronic form;

10 (2) a certified copy of the death certificate of the
11 user;

12 (3) a certified copy of the letter of appointment of
13 the representative or a court order;

14 (4) unless the user provided direction using an online
15 tool, a copy of the user's will, trust, power of attorney,
16 or other record evidencing the user's consent to disclosure
17 of the content of electronic communications; and

18 (5) if requested by the custodian:

19 (A) a number, username, address, or other unique
20 subscriber or account identifier assigned by the
21 custodian to identify the user's account;

22 (B) evidence linking the account to the user; or

23 (C) a finding by the court that:

24 (i) (blank);

25 (ii) (blank);

- 1 (iii) (blank);
- 2 (iv) disclosure of the content of electronic
- 3 communications of the user is permitted under this
- 4 Act and reasonably necessary for administration of
- 5 the estate.

6 Section 8. Disclosure of other digital assets of deceased

7 user. Unless the user prohibited disclosure of digital assets

8 or the court directs otherwise, a custodian shall disclose to

9 the personal representative of the estate of a deceased user a

10 catalogue of electronic communications sent or received by the

11 user and digital assets, other than the content of electronic

12 communications, of the user, if the representative gives the

13 custodian:

14 (1) a written request for disclosure in physical or

15 electronic form;

16 (2) a certified copy of the death certificate of the

17 user;

18 (3) a certified copy of the letter of appointment of

19 the representative or a court order; and

20 (4) if requested by the custodian:

21 (A) a number, username, address, or other unique

22 subscriber or account identifier assigned by the

23 custodian to identify the user's account;

24 (B) evidence linking the account to the user;

25 (C) an affidavit stating that disclosure of the

1 user's digital assets is reasonably necessary for
2 administration of the estate; or

3 (D) a finding by the court that:

4 (i) (blank);

5 (ii) disclosure of the user's digital assets
6 is permitted under this Act and reasonably
7 necessary for administration of the estate.

8 Section 9. Disclosure of content of electronic
9 communications of principal. To the extent a power of attorney
10 expressly grants an agent authority over the content of
11 electronic communications sent or received by the principal and
12 unless directed otherwise by the principal or the court, a
13 custodian shall disclose to the agent the content if the agent
14 gives the custodian:

15 (1) a written request for disclosure in physical or
16 electronic form;

17 (2) an original or copy of the power of attorney
18 expressly granting the agent authority over the content of
19 electronic communications of the principal;

20 (3) a certification by the agent, under penalty of
21 perjury, that the power of attorney is in effect; and

22 (4) if requested by the custodian:

23 (A) a number, username, address, or other unique
24 subscriber or account identifier assigned by the
25 custodian to identify the principal's account; or

1 (B) evidence linking the account to the principal.

2 Section 10. Disclosure of other digital assets of
3 principal. Unless otherwise ordered by the court, directed by
4 the principal, or provided by a power of attorney, a custodian
5 shall disclose to an agent with specific authority over digital
6 assets or general authority to act on behalf of a principal a
7 catalogue of electronic communications sent or received by the
8 principal and digital assets, other than the content of
9 electronic communications, of the principal if the agent gives
10 the custodian:

11 (1) a written request for disclosure in physical or
12 electronic form;

13 (2) an original or a copy of the power of attorney that
14 gives the agent specific authority over digital assets or
15 general authority to act on behalf of the principal;

16 (3) a certification by the agent, under penalty of
17 perjury, that the power of attorney is in effect; and

18 (4) if requested by the custodian:

19 (A) a number, username, address, or other unique
20 subscriber or account identifier assigned by the
21 custodian to identify the principal's account; or

22 (B) evidence linking the account to the principal.

23 Section 11. Disclosure of digital assets held in trust when
24 trustee is original user. Unless otherwise ordered by the court

1 or provided in a trust, a custodian shall disclose to a trustee
2 that is an original user of an account any digital asset of the
3 account held in trust, including a catalogue of electronic
4 communications of the trustee and the content of electronic
5 communications.

6 Section 12. Disclosure of contents of electronic
7 communications held in trust when trustee not original user.
8 Unless otherwise ordered by the court, directed by the user, or
9 provided in a trust, a custodian shall disclose to a trustee
10 that is not an original user of an account the content of an
11 electronic communication sent or received by an original or
12 successor user and carried, maintained, processed, received,
13 or stored by the custodian in the account of the trust if the
14 trustee gives the custodian:

15 (1) a written request for disclosure in physical or
16 electronic form;

17 (2) a certified copy of the trust instrument that
18 includes consent to disclosure of the content of electronic
19 communications to the trustee;

20 (3) a certification by the trustee, under penalty of
21 perjury, that the trust exists and the trustee is a
22 currently acting trustee of the trust; and

23 (4) if requested by the custodian:

24 (A) a number, username, address, or other unique
25 subscriber or account identifier assigned by the

1 custodian to identify the trust's account; or
2 (B) evidence linking the account to the trust.

3 Section 13. Disclosure of other digital assets held in
4 trust when trustee not original user. Unless otherwise ordered
5 by the court, directed by the user, or provided in a trust, a
6 custodian shall disclose, to a trustee that is not an original
7 user of an account, a catalogue of electronic communications
8 sent or received by an original or successor user and stored,
9 carried, or maintained by the custodian in an account of the
10 trust and any digital assets, other than the content of
11 electronic communications, in which the trust has a right or
12 interest if the trustee gives the custodian:

13 (1) a written request for disclosure in physical or
14 electronic form;

15 (2) a certified copy of the trust instrument;

16 (3) a certification by the trustee, under penalty of
17 perjury, that the trust exists and the trustee is a
18 currently acting trustee of the trust; and

19 (4) if requested by the custodian:

20 (A) a number, username, address, or other unique
21 subscriber or account identifier assigned by the
22 custodian to identify the trust's account; or

23 (B) evidence linking the account to the trust.

24 Section 14. Disclosure of contents of electronic

1 communications and digital assets to guardian of person with a
2 disability.

3 (a) After an opportunity for a hearing under Article XIa of
4 the Probate Act of 1975, the court may direct the disclosure of
5 the contents of a person with a disability's electronic
6 communications to his or her guardian. A custodian shall make
7 such a disclosure if the guardian gives the custodian:

8 (1) a written request for disclosure in physical or
9 electronic form;

10 (2) a certified copy of the court order directing
11 disclosure of such contents; and

12 (3) if requested by the custodian:

13 (A) a number, username, address, or other unique
14 subscriber or account identifier assigned by the
15 custodian to identify the account of the person with a
16 disability; or

17 (B) evidence linking the account to the person with
18 a disability.

19 (b) Unless otherwise ordered by the court or directed by
20 the user, a custodian shall disclose to a guardian the
21 catalogue of electronic communications sent or received by a
22 person with a disability and any digital assets, other than the
23 content of electronic communications, in which the person with
24 a disability has a right or interest if the guardian gives the
25 custodian:

26 (1) a written request for disclosure in physical or

1 electronic form;

2 (2) a certified copy of the court order that gives the
3 guardian authority over the digital assets of the person
4 with a disability; and

5 (3) if requested by the custodian:

6 (A) a number, username, address, or other unique
7 subscriber or account identifier assigned by the
8 custodian to identify the account of the person with a
9 disability; or

10 (B) evidence linking the account to the person with
11 a disability.

12 (c) A guardian with general authority to manage the assets
13 of a person with a disability may request a custodian of the
14 digital assets of the person with a disability to suspend or
15 terminate an account of the person with a disability for good
16 cause. A request made under this Section must be accompanied by
17 a certified copy of the court order giving the guardian
18 authority over the protected person's property.

19 Section 15. Fiduciary duty and authority.

20 (a) (Blank).

21 (b) A fiduciary's authority with respect to a digital asset
22 of a user:

23 (1) except as otherwise provided in Section 4, is
24 subject to the applicable terms of service;

25 (2) is subject to other applicable law, including

1 copyright law;

2 (3) is limited by the scope of the fiduciary's duties
3 under Illinois law; and

4 (4) may not be used to impersonate the user.

5 (c) A fiduciary with authority over the property of a
6 decedent, person with a disability, principal, or settlor has
7 the right to access any digital asset in which the decedent,
8 person with a disability, principal, or settlor had a right or
9 interest and that is not held by a custodian or subject to a
10 terms-of-service agreement.

11 (d) A fiduciary acting within the scope of the fiduciary's
12 duties is an authorized user of the property of the decedent,
13 person with a disability, principal, or settlor for the purpose
14 of applicable computer-fraud and unauthorized-computer-access
15 laws, including Subdivision 30 of Article 17 of the Criminal
16 Code of 2012, and has the authority to challenge the validity
17 of an online tool in court.

18 (e) A fiduciary with authority over the tangible, personal
19 property of a decedent, person with a disability, principal, or
20 settlor:

21 (1) has the right to access the property and any
22 digital asset stored in it; and

23 (2) is an authorized user for the purpose of
24 computer-fraud and unauthorized-computer-access laws,
25 including Subdivision 30 of Article 17 of the Criminal Code
26 of 2012.

1 (f) A custodian may disclose information in an account to a
2 fiduciary of the user when the information is required to
3 terminate an account used to access digital assets licensed to
4 the user.

5 (g) A fiduciary of a user may request a custodian to
6 terminate the user's account. A request for termination must be
7 in writing, in either physical or electronic form, and
8 accompanied by:

9 (1) if the user is deceased, a certified copy of the
10 death certificate of the user;

11 (2) a certified copy of the letter of appointment of
12 the representative or a small-estate affidavit or court
13 order, court order, power of attorney, or trust giving the
14 fiduciary authority over the account; and

15 (3) if requested by the custodian:

16 (A) a number, username, address, or other unique
17 subscriber or account identifier assigned by the
18 custodian to identify the user's account;

19 (B) evidence linking the account to the user; or

20 (C) a finding by the court that the user had a
21 specific account with the custodian, identifiable by
22 the information specified in subparagraph (A).

23 Section 16. Custodian compliance and immunity.

24 (a) Not later than 60 days after receipt of the information
25 required under Sections 7 through 14, a custodian shall comply

1 with a request under this Act from a fiduciary or designated
2 recipient to disclose digital assets or terminate an account.
3 If the custodian fails to comply, the fiduciary or designated
4 recipient may apply to the court for an order directing
5 compliance.

6 (b) An order under subsection (a) directing compliance must
7 contain a finding that compliance is not in violation of 18
8 U.S.C. Section 2702, as amended.

9 (c) A custodian may notify the user that a request for
10 disclosure or to terminate an account was made under this Act.

11 (d) A custodian may deny a request under this Act from a
12 fiduciary or designated recipient for disclosure of digital
13 assets or to terminate an account if the custodian is aware of
14 any lawful access to the account following the receipt of the
15 fiduciary's request.

16 (e) (Blank).

17 (f) A custodian and its officers, employees, and agents are
18 immune from liability for an act or omission done in good
19 faith, except for willful and wanton misconduct, in compliance
20 with this Act.

21 Section 17. (Blank).

22 Section 18. Relation to Electronic Signatures in Global and
23 National Commerce Act. This Act modifies, limits, or supersedes
24 the Electronic Signatures in Global and National Commerce Act,

1 15 U.S.C. Section 7001 et seq., but does not modify, limit, or
2 supersede Section 101(c) of that Act, 15 U.S.C. Section
3 7001(c), or authorize electronic delivery of any of the notices
4 described in Section 103(b) of that Act, 15 U.S.C. Section
5 7003(b).

6 Section 19. Severability. If any provision of this Act or
7 its application to any person or circumstance is held invalid,
8 the invalidity does not affect other provisions or applications
9 of this Act which can be given effect without the invalid
10 provision or application, and to this end the provisions of
11 this Act are severable.

12 Section 20. The Criminal Code of 2012 is amended by
13 changing Sections 17-51 and 17-54 as follows:

14 (720 ILCS 5/17-51) (was 720 ILCS 5/16D-3)

15 Sec. 17-51. Computer tampering.

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

19 (1) Accesses or causes to be accessed a computer or any
20 part thereof, a computer network, or a program or data;

21 (2) Accesses or causes to be accessed a computer or any
22 part thereof, a computer network, or a program or data, and
23 obtains data or services;

1 (3) Accesses or causes to be accessed a computer or any
2 part thereof, a computer network, or a program or data, and
3 damages or destroys the computer or alters, deletes, or
4 removes a computer program or data;

5 (4) Inserts or attempts to insert a program into a
6 computer or computer program knowing or having reason to
7 know that such program contains information or commands
8 that will or may:

9 (A) damage or destroy that computer, or any other
10 computer subsequently accessing or being accessed by
11 that computer;

12 (B) alter, delete, or remove a computer program or
13 data from that computer, or any other computer program
14 or data in a computer subsequently accessing or being
15 accessed by that computer; or

16 (C) cause loss to the users of that computer or the
17 users of a computer which accesses or which is accessed
18 by such program; or

19 (5) Falsifies or forges electronic mail transmission
20 information or other routing information in any manner in
21 connection with the transmission of unsolicited bulk
22 electronic mail through or into the computer network of an
23 electronic mail service provider or its subscribers.

24 (a-5) Distributing software to falsify routing
25 information. It is unlawful for any person knowingly to sell,
26 give, or otherwise distribute or possess with the intent to

1 sell, give, or distribute software which:

2 (1) is primarily designed or produced for the purpose
3 of facilitating or enabling the falsification of
4 electronic mail transmission information or other routing
5 information;

6 (2) has only a limited commercially significant
7 purpose or use other than to facilitate or enable the
8 falsification of electronic mail transmission information
9 or other routing information; or

10 (3) is marketed by that person or another acting in
11 concert with that person with that person's knowledge for
12 use in facilitating or enabling the falsification of
13 electronic mail transmission information or other routing
14 information.

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

18 (1) the owner authorizes patrons, customers, or guests
19 to access the computer network and the person accessing the
20 computer network is an authorized patron, customer, or
21 guest and complies with all terms or conditions for use of
22 the computer network that are imposed by the owner; ~~or~~

23 (2) the owner authorizes the public to access the
24 computer network and the person accessing the computer
25 network complies with all terms or conditions for use of
26 the computer network that are imposed by the owner; or.

1 (3) The person accesses the computer network in
2 compliance with the Revised Uniform Fiduciary Access to
3 Digital Assets Act (2015).

4 (b) Sentence.

5 (1) A person who commits computer tampering as set
6 forth in subdivision (a)(1) or (a)(5) or subsection (a-5)
7 of this Section is guilty of a Class B misdemeanor.

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

12 (3) A person who commits computer tampering as set
13 forth in subdivision (a)(3) or (a)(4) of this Section is
14 guilty of a Class 4 felony and a Class 3 felony for the
15 second or subsequent offense.

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

1 (5) If an injury arises from the transmission of
2 unsolicited bulk electronic mail, an injured electronic
3 mail service provider may also recover attorney's fees and
4 costs, and may elect, in lieu of actual damages, to recover
5 the greater of \$10 for each unsolicited electronic mail
6 advertisement transmitted in violation of this Section, or
7 \$25,000 per day.

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

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

17 (Source: P.A. 95-326, eff. 1-1-08; 96-1000, eff. 7-2-10;
18 96-1551, eff. 7-1-11.)

19 (720 ILCS 5/17-54) (was 720 ILCS 5/16D-7)

20 Sec. 17-54. Evidence of lack of authority. For the purposes
21 of Sections 17-50 through 17-52, the trier of fact may infer
22 that a person accessed a computer without the authorization of
23 its owner or in excess of the authority granted if the person
24 accesses or causes to be accessed a computer, which access
25 requires a confidential or proprietary code which has not been

1 issued to or authorized for use by that person. This Section
2 does not apply to a person who acquires access in compliance
3 with the Revised Uniform Fiduciary Access to Digital Assets Act
4 (2015).

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

6 Section 21. (Blank).