



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB1773

Introduced 1/28/2025, by Rep. Gregg Johnson

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/16-0.1  
720 ILCS 5/16-19.1 new

Amends the Criminal Code of 2012. Provides that a person shall not take, hold, conceal, or destroy mail addressed to another person with the intent to defraud any person or deprive the person to whom the mail was addressed of the mail. Provides that a person who violates this provision is guilty of a Class A misdemeanor for a first offense and a Class 3 felony for a second or subsequent offense. Provides that the provision applies if the victim of the offense is an individual whether the individual whose mail is obtained, or attempted to be obtained, is alive or deceased at the time of the violation. Provides that the provision does not prohibit a person from being charged with, convicted of, or sentenced for any other violation of law committed by that person using mail obtained in violation of the provision or any other violation of law committed by that person while violating or attempting to violate the provision. Defines "mail" and "person". Effective immediately.

LRB104 07794 RLC 17839 b

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 2012 is amended by  
5 changing Section 16-0.1 and by adding Section 16-19.1 as  
6 follows:

7 (720 ILCS 5/16-0.1)

8 Sec. 16-0.1. Definitions. In this Article, unless the  
9 context clearly requires otherwise, the following terms are  
10 defined as indicated:

11 "Access" means to use, instruct, communicate with, store  
12 data in, retrieve or intercept data from, or otherwise utilize  
13 any services of a computer.

14 "Coin-operated machine" includes any automatic vending  
15 machine or any part thereof, parking meter, coin telephone,  
16 coin-operated transit turnstile, transit fare box, coin  
17 laundry machine, coin dry cleaning machine, amusement machine,  
18 music machine, vending machine dispensing goods or services,  
19 or money changer.

20 "Communication device" means any type of instrument,  
21 device, machine, or equipment which is capable of  
22 transmitting, acquiring, decrypting, or receiving any  
23 telephonic, electronic, data, Internet access, audio, video,

1 microwave, or radio transmissions, signals, communications, or  
2 services, including the receipt, acquisition, transmission, or  
3 decryption of all such communications, transmissions, signals,  
4 or services provided by or through any cable television, fiber  
5 optic, telephone, satellite, microwave, radio, Internet-based,  
6 data transmission, or wireless distribution network, system or  
7 facility; or any part, accessory, or component thereof,  
8 including any computer circuit, security module, smart card,  
9 software, computer chip, electronic mechanism or other  
10 component, accessory or part of any communication device which  
11 is capable of facilitating the transmission, decryption,  
12 acquisition or reception of all such communications,  
13 transmissions, signals, or services.

14 "Communication service" means any service lawfully  
15 provided for a charge or compensation to facilitate the lawful  
16 origination, transmission, emission, or reception of signs,  
17 signals, data, writings, images, and sounds or intelligence of  
18 any nature by telephone, including cellular telephones or a  
19 wire, wireless, radio, electromagnetic, photo-electronic or  
20 photo-optical system; and also any service lawfully provided  
21 by any radio, telephone, cable television, fiber optic,  
22 satellite, microwave, Internet-based or wireless distribution  
23 network, system, facility or technology, including, but not  
24 limited to, any and all electronic, data, video, audio,  
25 Internet access, telephonic, microwave and radio  
26 communications, transmissions, signals and services, and any

1 such communications, transmissions, signals and services  
2 lawfully provided directly or indirectly by or through any of  
3 those networks, systems, facilities or technologies.

4 "Communication service provider" means: (1) any person or  
5 entity providing any communication service, whether directly  
6 or indirectly, as a reseller, including, but not limited to, a  
7 cellular, paging or other wireless communications company or  
8 other person or entity which, for a fee, supplies the  
9 facility, cell site, mobile telephone switching office or  
10 other equipment or communication service; (2) any person or  
11 entity owning or operating any cable television, fiber optic,  
12 satellite, telephone, wireless, microwave, radio, data  
13 transmission or Internet-based distribution network, system or  
14 facility; and (3) any person or entity providing any  
15 communication service directly or indirectly by or through any  
16 such distribution system, network or facility.

17 "Computer" means a device that accepts, processes, stores,  
18 retrieves or outputs data, and includes but is not limited to  
19 auxiliary storage and telecommunications devices connected to  
20 computers.

21 "Continuing course of conduct" means a series of acts, and  
22 the accompanying mental state necessary for the crime in  
23 question, irrespective of whether the series of acts are  
24 continuous or intermittent.

25 "Delivery container" means any bakery basket of wire or  
26 plastic used to transport or store bread or bakery products,

1 any dairy case of wire or plastic used to transport or store  
2 dairy products, and any dolly or cart of 2 or 4 wheels used to  
3 transport or store any bakery or dairy product.

4 "Document-making implement" means any implement,  
5 impression, template, computer file, computer disc, electronic  
6 device, computer hardware, computer software, instrument, or  
7 device that is used to make a real or fictitious or fraudulent  
8 personal identification document.

9 "Financial transaction device" means any of the following:

10 (1) An electronic funds transfer card.

11 (2) A credit card.

12 (3) A debit card.

13 (4) A point-of-sale card.

14 (5) Any instrument, device, card, plate, code, account  
15 number, personal identification number, or a record or  
16 copy of a code, account number, or personal identification  
17 number or other means of access to a credit account or  
18 deposit account, or a driver's license or State  
19 identification card used to access a proprietary account,  
20 other than access originated solely by a paper instrument,  
21 that can be used alone or in conjunction with another  
22 access device, for any of the following purposes:

23 (A) Obtaining money, cash refund or credit  
24 account, credit, goods, services, or any other thing  
25 of value.

26 (B) Certifying or guaranteeing to a person or

1 business the availability to the device holder of  
2 funds on deposit to honor a draft or check payable to  
3 the order of that person or business.

4 (C) Providing the device holder access to a  
5 deposit account for the purpose of making deposits,  
6 withdrawing funds, transferring funds between deposit  
7 accounts, obtaining information pertaining to a  
8 deposit account, or making an electronic funds  
9 transfer.

10 "Full retail value" means the merchant's stated or  
11 advertised price of the merchandise. "Full retail value"  
12 includes the aggregate value of property obtained from retail  
13 thefts committed by the same person as part of a continuing  
14 course of conduct from one or more mercantile establishments  
15 in a single transaction or in separate transactions over a  
16 period of one year.

17 "Internet" means an interactive computer service or system  
18 or an information service, system, or access software provider  
19 that provides or enables computer access by multiple users to  
20 a computer server, and includes, but is not limited to, an  
21 information service, system, or access software provider that  
22 provides access to a network system commonly known as the  
23 Internet, or any comparable system or service and also  
24 includes, but is not limited to, a World Wide Web page,  
25 newsgroup, message board, mailing list, or chat area on any  
26 interactive computer service or system or other online

1 service.

2 "Library card" means a card or plate issued by a library  
3 facility for purposes of identifying the person to whom the  
4 library card was issued as authorized to borrow library  
5 material, subject to all limitations and conditions imposed on  
6 the borrowing by the library facility issuing such card.

7 "Library facility" includes any public library or museum,  
8 or any library or museum of an educational, historical or  
9 eleemosynary institution, organization or society.

10 "Library material" includes any book, plate, picture,  
11 photograph, engraving, painting, sculpture, statue, artifact,  
12 drawing, map, newspaper, pamphlet, broadside, magazine,  
13 manuscript, document, letter, microfilm, sound recording,  
14 audiovisual material, magnetic or other tape, electronic data  
15 processing record or other documentary, written or printed  
16 material regardless of physical form or characteristics, or  
17 any part thereof, belonging to, or on loan to or otherwise in  
18 the custody of a library facility.

19 "Mail" means a letter, postal card, package, bag, or any  
20 other article or thing contained therein, or other sealed  
21 article addressed to a person.

22 "Manufacture or assembly of an unlawful access device"  
23 means to make, produce or assemble an unlawful access device  
24 or to modify, alter, program or re-program any instrument,  
25 device, machine, equipment or software so that it is capable  
26 of defeating or circumventing any technology, device or

1 software used by the provider, owner or licensee of a  
2 communication service or of any data, audio or video programs  
3 or transmissions to protect any such communication, data,  
4 audio or video services, programs or transmissions from  
5 unauthorized access, acquisition, disclosure, receipt,  
6 decryption, communication, transmission or re-transmission.

7 "Manufacture or assembly of an unlawful communication  
8 device" means to make, produce or assemble an unlawful  
9 communication or wireless device or to modify, alter, program  
10 or reprogram a communication or wireless device to be capable  
11 of acquiring, disrupting, receiving, transmitting, decrypting,  
12 or facilitating the acquisition, disruption, receipt,  
13 transmission or decryption of, a communication service without  
14 the express consent or express authorization of the  
15 communication service provider, or to knowingly assist others  
16 in those activities.

17 "Master sound recording" means the original physical  
18 object on which a given set of sounds were first recorded and  
19 which the original object from which all subsequent sound  
20 recordings embodying the same set of sounds are directly or  
21 indirectly derived.

22 "Merchandise" means any item of tangible personal  
23 property, including motor fuel.

24 "Merchant" means an owner or operator of any retail  
25 mercantile establishment or any agent, employee, lessee,  
26 consignee, officer, director, franchisee, or independent

1 contractor of the owner or operator. "Merchant" also means a  
2 person who receives from an authorized user of a payment card,  
3 or someone the person believes to be an authorized user, a  
4 payment card or information from a payment card, or what the  
5 person believes to be a payment card or information from a  
6 payment card, as the instrument for obtaining, purchasing or  
7 receiving goods, services, money, or anything else of value  
8 from the person.

9 "Motor fuel" means a liquid, regardless of its properties,  
10 used to propel a vehicle, including gasoline and diesel.

11 "Online" means the use of any electronic or wireless  
12 device to access the Internet.

13 "Payment card" means a credit card, charge card, debit  
14 card, or any other card that is issued to an authorized card  
15 user and that allows the user to obtain, purchase, or receive  
16 goods, services, money, or anything else of value from a  
17 merchant.

18 "Person with a disability" means a person who suffers from  
19 a physical or mental impairment resulting from disease,  
20 injury, functional disorder or congenital condition that  
21 impairs the individual's mental or physical ability to  
22 independently manage his or her property or financial  
23 resources, or both.

24 "Personal identification document" means a birth  
25 certificate, a driver's license, a State identification card,  
26 a public, government, or private employment identification

1 card, a social security card, a firearm owner's identification  
2 card, a credit card, a debit card, or a passport issued to or  
3 on behalf of a person other than the offender, or any document  
4 made or issued, or falsely purported to have been made or  
5 issued, by or under the authority of the United States  
6 Government, the State of Illinois, or any other state  
7 political subdivision of any state, or any other governmental  
8 or quasi-governmental organization that is of a type intended  
9 for the purpose of identification of an individual, or any  
10 such document made or altered in a manner that it falsely  
11 purports to have been made on behalf of or issued to another  
12 person or by the authority of one who did not give that  
13 authority.

14 "Personal identifying information" means any of the  
15 following information:

16 (1) A person's name.

17 (2) A person's address.

18 (3) A person's date of birth.

19 (4) A person's telephone number.

20 (5) A person's driver's license number or State of  
21 Illinois identification card as assigned by the Secretary  
22 of State of the State of Illinois or a similar agency of  
23 another state.

24 (6) A person's social security number.

25 (7) A person's public, private, or government  
26 employer, place of employment, or employment

1 identification number.

2 (8) The maiden name of a person's mother.

3 (9) The number assigned to a person's depository  
4 account, savings account, or brokerage account.

5 (10) The number assigned to a person's credit or debit  
6 card, commonly known as a "Visa Card", "MasterCard",  
7 "American Express Card", "Discover Card", or other similar  
8 cards whether issued by a financial institution,  
9 corporation, or business entity.

10 (11) Personal identification numbers.

11 (12) Electronic identification numbers.

12 (13) Digital signals.

13 (14) User names, passwords, and any other word,  
14 number, character or combination of the same usable in  
15 whole or part to access information relating to a specific  
16 individual, or to the actions taken, communications made  
17 or received, or other activities or transactions of a  
18 specific individual.

19 (15) Any other numbers or information which can be  
20 used to access a person's financial resources, or to  
21 identify a specific individual, or the actions taken,  
22 communications made or received, or other activities or  
23 transactions of a specific individual.

24 "Premises of a retail mercantile establishment" includes,  
25 but is not limited to, the retail mercantile establishment;  
26 any common use areas in shopping centers; and all parking

1 areas set aside by a merchant or on behalf of a merchant for  
2 the parking of vehicles for the convenience of the patrons of  
3 such retail mercantile establishment.

4 "Public water, gas, or power supply, or other public  
5 services" mean any service subject to regulation by the  
6 Illinois Commerce Commission; any service furnished by a  
7 public utility that is owned and operated by any political  
8 subdivision, public institution of higher education or  
9 municipal corporation of this State; any service furnished by  
10 any public utility that is owned by such political  
11 subdivision, public institution of higher education, or  
12 municipal corporation and operated by any of its lessees or  
13 operating agents; any service furnished by an electric  
14 cooperative as defined in Section 3.4 of the Electric Supplier  
15 Act; or wireless service or other service regulated by the  
16 Federal Communications Commission.

17 "Publish" means to communicate or disseminate information  
18 to any one or more persons, either orally, in person, or by  
19 telephone, radio or television or in writing of any kind,  
20 including, without limitation, a letter or memorandum,  
21 circular or handbill, newspaper or magazine article or book.

22 "Radio frequency identification device" means any  
23 implement, computer file, computer disc, electronic device,  
24 computer hardware, computer software, or instrument that is  
25 used to activate, read, receive, or decode information stored  
26 on a RFID tag or transponder attached to a personal

1 identification document.

2 "RFID tag or transponder" means a chip or device that  
3 contains personal identifying information from which the  
4 personal identifying information can be read or decoded by  
5 another device emitting a radio frequency that activates or  
6 powers a radio frequency emission response from the chip or  
7 transponder.

8 "Reencoder" means an electronic device that places encoded  
9 information from the magnetic strip or stripe of a payment  
10 card onto the magnetic strip or stripe of a different payment  
11 card.

12 "Retail mercantile establishment" means any place where  
13 merchandise is displayed, held, stored or offered for sale to  
14 the public.

15 "Scanning device" means a scanner, reader, or any other  
16 electronic device that is used to access, read, scan, obtain,  
17 memorize, or store, temporarily or permanently, information  
18 encoded on the magnetic strip or stripe of a payment card.

19 "Shopping cart" means those push carts of the type or  
20 types which are commonly provided by grocery stores, drug  
21 stores or other retail mercantile establishments for the use  
22 of the public in transporting commodities in stores and  
23 markets and, incidentally, from the stores to a place outside  
24 the store.

25 "Sound or audio visual recording" means any sound or audio  
26 visual phonograph record, disc, pre-recorded tape, film, wire,

1 magnetic tape or other object, device or medium, now known or  
2 hereafter invented, by which sounds or images may be  
3 reproduced with or without the use of any additional machine,  
4 equipment or device.

5 "Stored value card" means any card, gift card, instrument,  
6 or device issued with or without fee for the use of the  
7 cardholder to obtain money, goods, services, or anything else  
8 of value. Stored value cards include, but are not limited to,  
9 cards issued for use as a stored value card or gift card, and  
10 an account identification number or symbol used to identify a  
11 stored value card. "Stored value card" does not include a  
12 prepaid card usable at multiple, unaffiliated merchants or at  
13 automated teller machines, or both. "Stored value card" shall  
14 only apply to Section 16-25.1 of this Act.

15 "Theft detection device remover" means any tool or device  
16 specifically designed and intended to be used to remove any  
17 theft detection device from any merchandise.

18 "Under-ring" means to cause the cash register or other  
19 sales recording device to reflect less than the full retail  
20 value of the merchandise.

21 "Unidentified sound or audio visual recording" means a  
22 sound or audio visual recording without the actual name and  
23 full and correct street address of the manufacturer, and the  
24 name of the actual performers or groups prominently and  
25 legibly printed on the outside cover or jacket and on the label  
26 of such sound or audio visual recording.

1 "Unlawful access device" means any type of instrument,  
2 device, machine, equipment, technology, or software which is  
3 primarily possessed, used, designed, assembled, manufactured,  
4 sold, distributed or offered, promoted or advertised for the  
5 purpose of defeating or circumventing any technology, device  
6 or software, or any component or part thereof, used by the  
7 provider, owner or licensee of any communication service or of  
8 any data, audio or video programs or transmissions to protect  
9 any such communication, audio or video services, programs or  
10 transmissions from unauthorized access, acquisition, receipt,  
11 decryption, disclosure, communication, transmission or  
12 re-transmission.

13 "Unlawful communication device" means any electronic  
14 serial number, mobile identification number, personal  
15 identification number or any communication or wireless device  
16 that is capable of acquiring or facilitating the acquisition  
17 of a communication service without the express consent or  
18 express authorization of the communication service provider,  
19 or that has been altered, modified, programmed or  
20 reprogrammed, alone or in conjunction with another  
21 communication or wireless device or other equipment, to so  
22 acquire or facilitate the unauthorized acquisition of a  
23 communication service. "Unlawful communication device" also  
24 means:

25 (1) any phone altered to obtain service without the  
26 express consent or express authorization of the

1 communication service provider, tumbler phone, counterfeit  
2 or clone phone, tumbler microchip, counterfeit or clone  
3 microchip, scanning receiver of wireless communication  
4 service or other instrument capable of disguising its  
5 identity or location or of gaining unauthorized access to  
6 a communications or wireless system operated by a  
7 communication service provider; and

8 (2) any communication or wireless device which is  
9 capable of, or has been altered, designed, modified,  
10 programmed or reprogrammed, alone or in conjunction with  
11 another communication or wireless device or devices, so as  
12 to be capable of, facilitating the disruption,  
13 acquisition, receipt, transmission or decryption of a  
14 communication service without the express consent or  
15 express authorization of the communication service  
16 provider, including, but not limited to, any device,  
17 technology, product, service, equipment, computer software  
18 or component or part thereof, primarily distributed, sold,  
19 designed, assembled, manufactured, modified, programmed,  
20 reprogrammed or used for the purpose of providing the  
21 unauthorized receipt of, transmission of, disruption of,  
22 decryption of, access to or acquisition of any  
23 communication service provided by any communication  
24 service provider.

25 "Vehicle" means a motor vehicle, motorcycle, or farm  
26 implement that is self-propelled and that uses motor fuel for

1 propulsion.

2 "Wireless device" includes any type of instrument, device,  
3 machine, or equipment that is capable of transmitting or  
4 receiving telephonic, electronic or radio communications, or  
5 any part of such instrument, device, machine, or equipment, or  
6 any computer circuit, computer chip, electronic mechanism, or  
7 other component that is capable of facilitating the  
8 transmission or reception of telephonic, electronic, or radio  
9 communications.

10 (Source: P.A. 102-757, eff. 5-13-22.)

11 (720 ILCS 5/16-19.1 new)

12 Sec. 16-19.1. Mail and mail depository theft.

13 (a) In this Section, "person" means an individual,  
14 partnership, corporation, limited liability company,  
15 association, or other legal entity.

16 (b) A person shall not take, hold, conceal, or destroy  
17 mail addressed to another person with the intent to defraud  
18 any person or deprive the person to whom the mail was addressed  
19 of the mail.

20 (c) Sentence. A person who violates this Section is guilty  
21 of a Class A misdemeanor for a first offense and a Class 3  
22 felony for a second or subsequent offense.

23 (d) This Section applies if the victim of the offense is an  
24 individual whether the individual whose mail is obtained, or  
25 attempted to be obtained, is alive or deceased at the time of

1 the violation.

2 (e) This Section does not prohibit a person from being  
3 charged with, convicted of, or sentenced for any other  
4 violation of law committed by that person using mail obtained  
5 in violation of this Section or any other violation of law  
6 committed by that person while violating or attempting to  
7 violate this Section.

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.