

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 changing
5 Sections 11-6.6, 11-20.1, 17-0.5, 17-52.5, 17-55, 28-2 as
6 follows:

7 (720 ILCS 5/11-6.6)

8 Sec. 11-6.6. Solicitation to meet a child.

9 (a) A person of the age of 18 or more years commits the
10 offense of solicitation to meet a child if the person while
11 using a computer, cellular telephone, or any other device, with
12 the intent to meet a child or one whom he or she believes to be
13 a child, solicits, entices, induces, or arranges with the child
14 to meet at a location without the knowledge of the child's
15 parent or guardian and the meeting with the child is arranged
16 for a purpose other than a lawful purpose under Illinois law.

17 (b) Sentence. Solicitation to meet a child is a Class A
18 misdemeanor. Solicitation to meet a child is a Class 4 felony
19 when the solicitor believes he or she is 5 or more years older
20 than the child.

21 (c) For purposes of this Section, "child" means any person
22 under 17 years of age; and "computer" has the meaning ascribed
23 to it in Section 17-0.5 ~~16D-2~~ of this Code.

1 (Source: P.A. 95-983, eff. 6-1-09.)

2 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

3 Sec. 11-20.1. Child pornography.

4 (a) A person commits child pornography who:

5 (1) films, videotapes, photographs, or otherwise
6 depicts or portrays by means of any similar visual medium
7 or reproduction or depicts by computer any child whom he or
8 she knows or reasonably should know to be under the age of
9 18 or any person with a severe or profound intellectual
10 disability where such child or person with a severe or
11 profound intellectual disability is:

12 (i) actually or by simulation engaged in any act of
13 sexual penetration or sexual conduct with any person or
14 animal; or

15 (ii) actually or by simulation engaged in any act
16 of sexual penetration or sexual conduct involving the
17 sex organs of the child or person with a severe or
18 profound intellectual disability and the mouth, anus,
19 or sex organs of another person or animal; or which
20 involves the mouth, anus or sex organs of the child or
21 person with a severe or profound intellectual
22 disability and the sex organs of another person or
23 animal; or

24 (iii) actually or by simulation engaged in any act
25 of masturbation; or

1 (iv) actually or by simulation portrayed as being
2 the object of, or otherwise engaged in, any act of lewd
3 fondling, touching, or caressing involving another
4 person or animal; or

5 (v) actually or by simulation engaged in any act of
6 excretion or urination within a sexual context; or

7 (vi) actually or by simulation portrayed or
8 depicted as bound, fettered, or subject to sadistic,
9 masochistic, or sadomasochistic abuse in any sexual
10 context; or

11 (vii) depicted or portrayed in any pose, posture or
12 setting involving a lewd exhibition of the unclothed or
13 transparently clothed genitals, pubic area, buttocks,
14 or, if such person is female, a fully or partially
15 developed breast of the child or other person; or

16 (2) with the knowledge of the nature or content
17 thereof, reproduces, disseminates, offers to disseminate,
18 exhibits or possesses with intent to disseminate any film,
19 videotape, photograph or other similar visual reproduction
20 or depiction by computer of any child or person with a
21 severe or profound intellectual disability whom the person
22 knows or reasonably should know to be under the age of 18
23 or to be a person with a severe or profound intellectual
24 disability, engaged in any activity described in
25 subparagraphs (i) through (vii) of paragraph (1) of this
26 subsection; or

1 (3) with knowledge of the subject matter or theme
2 thereof, produces any stage play, live performance, film,
3 videotape or other similar visual portrayal or depiction by
4 computer which includes a child whom the person knows or
5 reasonably should know to be under the age of 18 or a
6 person with a severe or profound intellectual disability
7 engaged in any activity described in subparagraphs (i)
8 through (vii) of paragraph (1) of this subsection; or

9 (4) solicits, uses, persuades, induces, entices, or
10 coerces any child whom he or she knows or reasonably should
11 know to be under the age of 18 or a person with a severe or
12 profound intellectual disability to appear in any stage
13 play, live presentation, film, videotape, photograph or
14 other similar visual reproduction or depiction by computer
15 in which the child or person with a severe or profound
16 intellectual disability is or will be depicted, actually or
17 by simulation, in any act, pose or setting described in
18 subparagraphs (i) through (vii) of paragraph (1) of this
19 subsection; or

20 (5) is a parent, step-parent, legal guardian or other
21 person having care or custody of a child whom the person
22 knows or reasonably should know to be under the age of 18
23 or a person with a severe or profound intellectual
24 disability and who knowingly permits, induces, promotes,
25 or arranges for such child or person with a severe or
26 profound intellectual disability to appear in any stage

1 play, live performance, film, videotape, photograph or
2 other similar visual presentation, portrayal or simulation
3 or depiction by computer of any act or activity described
4 in subparagraphs (i) through (vii) of paragraph (1) of this
5 subsection; or

6 (6) with knowledge of the nature or content thereof,
7 possesses any film, videotape, photograph or other similar
8 visual reproduction or depiction by computer of any child
9 or person with a severe or profound intellectual disability
10 whom the person knows or reasonably should know to be under
11 the age of 18 or to be a person with a severe or profound
12 intellectual disability, engaged in any activity described
13 in subparagraphs (i) through (vii) of paragraph (1) of this
14 subsection; or

15 (7) solicits, or knowingly uses, persuades, induces,
16 entices, or coerces, a person to provide a child under the
17 age of 18 or a person with a severe or profound
18 intellectual disability to appear in any videotape,
19 photograph, film, stage play, live presentation, or other
20 similar visual reproduction or depiction by computer in
21 which the child or person with a severe or profound
22 intellectual disability will be depicted, actually or by
23 simulation, in any act, pose, or setting described in
24 subparagraphs (i) through (vii) of paragraph (1) of this
25 subsection.

26 (a-5) The possession of each individual film, videotape,

1 photograph, or other similar visual reproduction or depiction
2 by computer in violation of this Section constitutes a single
3 and separate violation. This subsection (a-5) does not apply to
4 multiple copies of the same film, videotape, photograph, or
5 other similar visual reproduction or depiction by computer that
6 are identical to each other.

7 (b) (1) It shall be an affirmative defense to a charge of
8 child pornography that the defendant reasonably believed,
9 under all of the circumstances, that the child was 18 years of
10 age or older or that the person was not a person with a severe
11 or profound intellectual disability but only where, prior to
12 the act or acts giving rise to a prosecution under this
13 Section, he or she took some affirmative action or made a
14 bonafide inquiry designed to ascertain whether the child was 18
15 years of age or older or that the person was not a person with a
16 severe or profound intellectual disability and his or her
17 reliance upon the information so obtained was clearly
18 reasonable.

19 (1.5) Telecommunications carriers, commercial mobile
20 service providers, and providers of information services,
21 including, but not limited to, Internet service providers and
22 hosting service providers, are not liable under this Section by
23 virtue of the transmission, storage, or caching of electronic
24 communications or messages of others or by virtue of the
25 provision of other related telecommunications, commercial
26 mobile services, or information services used by others in

1 violation of this Section.

2 (2) (Blank).

3 (3) The charge of child pornography shall not apply to the
4 performance of official duties by law enforcement or
5 prosecuting officers or persons employed by law enforcement or
6 prosecuting agencies, court personnel or attorneys, nor to
7 bonafide treatment or professional education programs
8 conducted by licensed physicians, psychologists or social
9 workers.

10 (4) If the defendant possessed more than one of the same
11 film, videotape or visual reproduction or depiction by computer
12 in which child pornography is depicted, then the trier of fact
13 may infer that the defendant possessed such materials with the
14 intent to disseminate them.

15 (5) The charge of child pornography does not apply to a
16 person who does not voluntarily possess a film, videotape, or
17 visual reproduction or depiction by computer in which child
18 pornography is depicted. Possession is voluntary if the
19 defendant knowingly procures or receives a film, videotape, or
20 visual reproduction or depiction for a sufficient time to be
21 able to terminate his or her possession.

22 (6) Any violation of paragraph (1), (2), (3), (4), (5), or
23 (7) of subsection (a) that includes a child engaged in,
24 solicited for, depicted in, or posed in any act of sexual
25 penetration or bound, fettered, or subject to sadistic,
26 masochistic, or sadomasochistic abuse in a sexual context shall

1 be deemed a crime of violence.

2 (c) If the violation does not involve a film, videotape, or
3 other moving depiction, a violation of paragraph (1), (4), (5),
4 or (7) of subsection (a) is a Class 1 felony with a mandatory
5 minimum fine of \$2,000 and a maximum fine of \$100,000. If the
6 violation involves a film, videotape, or other moving
7 depiction, a violation of paragraph (1), (4), (5), or (7) of
8 subsection (a) is a Class X felony with a mandatory minimum
9 fine of \$2,000 and a maximum fine of \$100,000. If the violation
10 does not involve a film, videotape, or other moving depiction,
11 a violation of paragraph (3) of subsection (a) is a Class 1
12 felony with a mandatory minimum fine of \$1500 and a maximum
13 fine of \$100,000. If the violation involves a film, videotape,
14 or other moving depiction, a violation of paragraph (3) of
15 subsection (a) is a Class X felony with a mandatory minimum
16 fine of \$1500 and a maximum fine of \$100,000. If the violation
17 does not involve a film, videotape, or other moving depiction,
18 a violation of paragraph (2) of subsection (a) is a Class 1
19 felony with a mandatory minimum fine of \$1000 and a maximum
20 fine of \$100,000. If the violation involves a film, videotape,
21 or other moving depiction, a violation of paragraph (2) of
22 subsection (a) is a Class X felony with a mandatory minimum
23 fine of \$1000 and a maximum fine of \$100,000. If the violation
24 does not involve a film, videotape, or other moving depiction,
25 a violation of paragraph (6) of subsection (a) is a Class 3
26 felony with a mandatory minimum fine of \$1000 and a maximum

1 fine of \$100,000. If the violation involves a film, videotape,
2 or other moving depiction, a violation of paragraph (6) of
3 subsection (a) is a Class 2 felony with a mandatory minimum
4 fine of \$1000 and a maximum fine of \$100,000.

5 (c-5) Where the child depicted is under the age of 13, a
6 violation of paragraph (1), (2), (3), (4), (5), or (7) of
7 subsection (a) is a Class X felony with a mandatory minimum
8 fine of \$2,000 and a maximum fine of \$100,000. Where the child
9 depicted is under the age of 13, a violation of paragraph (6)
10 of subsection (a) is a Class 2 felony with a mandatory minimum
11 fine of \$1,000 and a maximum fine of \$100,000. Where the child
12 depicted is under the age of 13, a person who commits a
13 violation of paragraph (1), (2), (3), (4), (5), or (7) of
14 subsection (a) where the defendant has previously been
15 convicted under the laws of this State or any other state of
16 the offense of child pornography, aggravated child
17 pornography, aggravated criminal sexual abuse, aggravated
18 criminal sexual assault, predatory criminal sexual assault of a
19 child, or any of the offenses formerly known as rape, deviate
20 sexual assault, indecent liberties with a child, or aggravated
21 indecent liberties with a child where the victim was under the
22 age of 18 years or an offense that is substantially equivalent
23 to those offenses, is guilty of a Class X felony for which the
24 person shall be sentenced to a term of imprisonment of not less
25 than 9 years with a mandatory minimum fine of \$2,000 and a
26 maximum fine of \$100,000. Where the child depicted is under the

1 age of 13, a person who commits a violation of paragraph (6) of
2 subsection (a) where the defendant has previously been
3 convicted under the laws of this State or any other state of
4 the offense of child pornography, aggravated child
5 pornography, aggravated criminal sexual abuse, aggravated
6 criminal sexual assault, predatory criminal sexual assault of a
7 child, or any of the offenses formerly known as rape, deviate
8 sexual assault, indecent liberties with a child, or aggravated
9 indecent liberties with a child where the victim was under the
10 age of 18 years or an offense that is substantially equivalent
11 to those offenses, is guilty of a Class 1 felony with a
12 mandatory minimum fine of \$1,000 and a maximum fine of
13 \$100,000. The issue of whether the child depicted is under the
14 age of 13 is an element of the offense to be resolved by the
15 trier of fact.

16 (d) If a person is convicted of a second or subsequent
17 violation of this Section within 10 years of a prior
18 conviction, the court shall order a presentence psychiatric
19 examination of the person. The examiner shall report to the
20 court whether treatment of the person is necessary.

21 (e) Any film, videotape, photograph or other similar visual
22 reproduction or depiction by computer which includes a child
23 under the age of 18 or a person with a severe or profound
24 intellectual disability engaged in any activity described in
25 subparagraphs (i) through (vii) or paragraph 1 of subsection
26 (a), and any material or equipment used or intended for use in

1 photographing, filming, printing, producing, reproducing,
2 manufacturing, projecting, exhibiting, depiction by computer,
3 or disseminating such material shall be seized and forfeited in
4 the manner, method and procedure provided by Section 36-1 of
5 this Code for the seizure and forfeiture of vessels, vehicles
6 and aircraft.

7 In addition, any person convicted under this Section is
8 subject to the property forfeiture provisions set forth in
9 Article 124B of the Code of Criminal Procedure of 1963.

10 (e-5) Upon the conclusion of a case brought under this
11 Section, the court shall seal all evidence depicting a victim
12 or witness that is sexually explicit. The evidence may be
13 unsealed and viewed, on a motion of the party seeking to unseal
14 and view the evidence, only for good cause shown and in the
15 discretion of the court. The motion must expressly set forth
16 the purpose for viewing the material. The State's attorney and
17 the victim, if possible, shall be provided reasonable notice of
18 the hearing on the motion to unseal the evidence. Any person
19 entitled to notice of a hearing under this subsection (e-5) may
20 object to the motion.

21 (f) Definitions. For the purposes of this Section:

22 (1) "Disseminate" means (i) to sell, distribute,
23 exchange or transfer possession, whether with or without
24 consideration or (ii) to make a depiction by computer
25 available for distribution or downloading through the
26 facilities of any telecommunications network or through

1 any other means of transferring computer programs or data
2 to a computer.

3 (2) "Produce" means to direct, promote, advertise,
4 publish, manufacture, issue, present or show.

5 (3) "Reproduce" means to make a duplication or copy.

6 (4) "Depict by computer" means to generate or create,
7 or cause to be created or generated, a computer program or
8 data that, after being processed by a computer either alone
9 or in conjunction with one or more computer programs,
10 results in a visual depiction on a computer monitor,
11 screen, or display.

12 (5) "Depiction by computer" means a computer program or
13 data that, after being processed by a computer either alone
14 or in conjunction with one or more computer programs,
15 results in a visual depiction on a computer monitor,
16 screen, or display.

17 (6) "Computer", "computer program", and "data" have
18 the meanings ascribed to them in Section 17.05 ~~16D-2~~ of
19 this Code.

20 (7) For the purposes of this Section, "child
21 pornography" includes a film, videotape, photograph, or
22 other similar visual medium or reproduction or depiction by
23 computer that is, or appears to be, that of a person,
24 either in part, or in total, under the age of 18 or a
25 person with a severe or profound intellectual disability,
26 regardless of the method by which the film, videotape,

1 photograph, or other similar visual medium or reproduction
2 or depiction by computer is created, adopted, or modified
3 to appear as such. "Child pornography" also includes a
4 film, videotape, photograph, or other similar visual
5 medium or reproduction or depiction by computer that is
6 advertised, promoted, presented, described, or distributed
7 in such a manner that conveys the impression that the film,
8 videotape, photograph, or other similar visual medium or
9 reproduction or depiction by computer is of a person under
10 the age of 18 or a person with a severe or profound
11 intellectual disability.

12 (g) Re-enactment; findings; purposes.

13 (1) The General Assembly finds and declares that:

14 (i) Section 50-5 of Public Act 88-680, effective
15 January 1, 1995, contained provisions amending the
16 child pornography statute, Section 11-20.1 of the
17 Criminal Code of 1961. Section 50-5 also contained
18 other provisions.

19 (ii) In addition, Public Act 88-680 was entitled
20 "AN ACT to create a Safe Neighborhoods Law". (A)
21 Article 5 was entitled JUVENILE JUSTICE and amended the
22 Juvenile Court Act of 1987. (B) Article 15 was entitled
23 GANGS and amended various provisions of the Criminal
24 Code of 1961 and the Unified Code of Corrections. (C)
25 Article 20 was entitled ALCOHOL ABUSE and amended
26 various provisions of the Illinois Vehicle Code. (D)

1 Article 25 was entitled DRUG ABUSE and amended the
2 Cannabis Control Act and the Illinois Controlled
3 Substances Act. (E) Article 30 was entitled FIREARMS
4 and amended the Criminal Code of 1961 and the Code of
5 Criminal Procedure of 1963. (F) Article 35 amended the
6 Criminal Code of 1961, the Rights of Crime Victims and
7 Witnesses Act, and the Unified Code of Corrections. (G)
8 Article 40 amended the Criminal Code of 1961 to
9 increase the penalty for compelling organization
10 membership of persons. (H) Article 45 created the
11 Secure Residential Youth Care Facility Licensing Act
12 and amended the State Finance Act, the Juvenile Court
13 Act of 1987, the Unified Code of Corrections, and the
14 Private Correctional Facility Moratorium Act. (I)
15 Article 50 amended the WIC Vendor Management Act, the
16 Firearm Owners Identification Card Act, the Juvenile
17 Court Act of 1987, the Criminal Code of 1961, the
18 Wrongs to Children Act, and the Unified Code of
19 Corrections.

20 (iii) On September 22, 1998, the Third District
21 Appellate Court in *People v. Dainty*, 701 N.E. 2d 118,
22 ruled that Public Act 88-680 violates the single
23 subject clause of the Illinois Constitution (Article
24 IV, Section 8 (d)) and was unconstitutional in its
25 entirety. As of the time this amendatory Act of 1999
26 was prepared, *People v. Dainty* was still subject to

1 appeal.

2 (iv) Child pornography is a vital concern to the
3 people of this State and the validity of future
4 prosecutions under the child pornography statute of
5 the Criminal Code of 1961 is in grave doubt.

6 (2) It is the purpose of this amendatory Act of 1999 to
7 prevent or minimize any problems relating to prosecutions
8 for child pornography that may result from challenges to
9 the constitutional validity of Public Act 88-680 by
10 re-enacting the Section relating to child pornography that
11 was included in Public Act 88-680.

12 (3) This amendatory Act of 1999 re-enacts Section
13 11-20.1 of the Criminal Code of 1961, as it has been
14 amended. This re-enactment is intended to remove any
15 question as to the validity or content of that Section; it
16 is not intended to supersede any other Public Act that
17 amends the text of the Section as set forth in this
18 amendatory Act of 1999. The material is shown as existing
19 text (i.e., without underscoring) because, as of the time
20 this amendatory Act of 1999 was prepared, *People v. Dainty*
21 was subject to appeal to the Illinois Supreme Court.

22 (4) The re-enactment by this amendatory Act of 1999 of
23 Section 11-20.1 of the Criminal Code of 1961 relating to
24 child pornography that was amended by Public Act 88-680 is
25 not intended, and shall not be construed, to imply that
26 Public Act 88-680 is invalid or to limit or impair any

1 legal argument concerning whether those provisions were
2 substantially re-enacted by other Public Acts.

3 (Source: P.A. 98-437, eff. 1-1-14; 99-143, eff. 7-27-15.)

4 (720 ILCS 5/17-0.5)

5 Sec. 17-0.5. Definitions. In this Article:

6 "Altered credit card or debit card" means any instrument or
7 device, whether known as a credit card or debit card, which has
8 been changed in any respect by addition or deletion of any
9 material, except for the signature by the person to whom the
10 card is issued.

11 "Cardholder" means the person or organization named on the
12 face of a credit card or debit card to whom or for whose
13 benefit the credit card or debit card is issued by an issuer.

14 "Computer" means a device that accepts, processes, stores,
15 retrieves, or outputs data and includes, but is not limited to,
16 auxiliary storage, including cloud-based networks of remote
17 services hosted on the Internet, and telecommunications
18 devices connected to computers.

19 "Computer network" means a set of related, remotely
20 connected devices and any communications facilities including
21 more than one computer with the capability to transmit data
22 between them through the communications facilities.

23 "Computer program" or "program" means a series of coded
24 instructions or statements in a form acceptable to a computer
25 which causes the computer to process data and supply the

1 results of the data processing.

2 "Computer services" means computer time or services,
3 including data processing services, Internet services,
4 electronic mail services, electronic message services, or
5 information or data stored in connection therewith.

6 "Counterfeit" means to manufacture, produce or create, by
7 any means, a credit card or debit card without the purported
8 issuer's consent or authorization.

9 "Credit card" means any instrument or device, whether known
10 as a credit card, credit plate, charge plate or any other name,
11 issued with or without fee by an issuer for the use of the
12 cardholder in obtaining money, goods, services or anything else
13 of value on credit or in consideration or an undertaking or
14 guaranty by the issuer of the payment of a check drawn by the
15 cardholder.

16 "Data" means a representation in any form of information,
17 knowledge, facts, concepts, or instructions, including program
18 documentation, which is prepared or has been prepared in a
19 formalized manner and is stored or processed in or transmitted
20 by a computer or in a system or network. Data is considered
21 property and may be in any form, including, but not limited to,
22 printouts, magnetic or optical storage media, punch cards, or
23 data stored internally in the memory of the computer.

24 "Debit card" means any instrument or device, known by any
25 name, issued with or without fee by an issuer for the use of
26 the cardholder in obtaining money, goods, services, and

1 anything else of value, payment of which is made against funds
2 previously deposited by the cardholder. A debit card which also
3 can be used to obtain money, goods, services and anything else
4 of value on credit shall not be considered a debit card when it
5 is being used to obtain money, goods, services or anything else
6 of value on credit.

7 "Document" includes, but is not limited to, any document,
8 representation, or image produced manually, electronically, or
9 by computer.

10 "Electronic fund transfer terminal" means any machine or
11 device that, when properly activated, will perform any of the
12 following services:

13 (1) Dispense money as a debit to the cardholder's
14 account; or

15 (2) Print the cardholder's account balances on a
16 statement; or

17 (3) Transfer funds between a cardholder's accounts; or

18 (4) Accept payments on a cardholder's loan; or

19 (5) Dispense cash advances on an open end credit or a
20 revolving charge agreement; or

21 (6) Accept deposits to a customer's account; or

22 (7) Receive inquiries of verification of checks and
23 dispense information that verifies that funds are
24 available to cover such checks; or

25 (8) Cause money to be transferred electronically from a
26 cardholder's account to an account held by any business,

1 firm, retail merchant, corporation, or any other
2 organization.

3 "Electronic funds transfer system", hereafter referred to
4 as "EFT System", means that system whereby funds are
5 transferred electronically from a cardholder's account to any
6 other account.

7 "Electronic mail service provider" means any person who (i)
8 is an intermediary in sending or receiving electronic mail and
9 (ii) provides to end-users of electronic mail services the
10 ability to send or receive electronic mail.

11 "Expired credit card or debit card" means a credit card or
12 debit card which is no longer valid because the term on it has
13 elapsed.

14 "False academic degree" means a certificate, diploma,
15 transcript, or other document purporting to be issued by an
16 institution of higher learning or purporting to indicate that a
17 person has completed an organized academic program of study at
18 an institution of higher learning when the person has not
19 completed the organized academic program of study indicated on
20 the certificate, diploma, transcript, or other document.

21 "False claim" means any statement made to any insurer,
22 purported insurer, servicing corporation, insurance broker, or
23 insurance agent, or any agent or employee of one of those
24 entities, and made as part of, or in support of, a claim for
25 payment or other benefit under a policy of insurance, or as
26 part of, or in support of, an application for the issuance of,

1 or the rating of, any insurance policy, when the statement does
2 any of the following:

3 (1) Contains any false, incomplete, or misleading
4 information concerning any fact or thing material to the
5 claim.

6 (2) Conceals (i) the occurrence of an event that is
7 material to any person's initial or continued right or
8 entitlement to any insurance benefit or payment or (ii) the
9 amount of any benefit or payment to which the person is
10 entitled.

11 "Financial institution" means any bank, savings and loan
12 association, credit union, or other depository of money or
13 medium of savings and collective investment.

14 "Governmental entity" means: each officer, board,
15 commission, and agency created by the Constitution, whether in
16 the executive, legislative, or judicial branch of State
17 government; each officer, department, board, commission,
18 agency, institution, authority, university, and body politic
19 and corporate of the State; each administrative unit or
20 corporate outgrowth of State government that is created by or
21 pursuant to statute, including units of local government and
22 their officers, school districts, and boards of election
23 commissioners; and each administrative unit or corporate
24 outgrowth of the foregoing items and as may be created by
25 executive order of the Governor.

26 "Incomplete credit card or debit card" means a credit card

1 or debit card which is missing part of the matter other than
2 the signature of the cardholder which an issuer requires to
3 appear on the credit card or debit card before it can be used
4 by a cardholder, and this includes credit cards or debit cards
5 which have not been stamped, embossed, imprinted or written on.

6 "Institution of higher learning" means a public or private
7 college, university, or community college located in the State
8 of Illinois that is authorized by the Board of Higher Education
9 or the Illinois Community College Board to issue post-secondary
10 degrees, or a public or private college, university, or
11 community college located anywhere in the United States that is
12 or has been legally constituted to offer degrees and
13 instruction in its state of origin or incorporation.

14 "Insurance company" means "company" as defined under
15 Section 2 of the Illinois Insurance Code.

16 "Issuer" means the business organization or financial
17 institution which issues a credit card or debit card, or its
18 duly authorized agent.

19 "Merchant" has the meaning ascribed to it in Section 16-0.1
20 of this Code.

21 "Person" means any individual, corporation, government,
22 governmental subdivision or agency, business trust, estate,
23 trust, partnership or association or any other entity.

24 "Receives" or "receiving" means acquiring possession or
25 control.

26 "Record of charge form" means any document submitted or

1 intended to be submitted to an issuer as evidence of a credit
2 transaction for which the issuer has agreed to reimburse
3 persons providing money, goods, property, services or other
4 things of value.

5 "Revoked credit card or debit card" means a credit card or
6 debit card which is no longer valid because permission to use
7 it has been suspended or terminated by the issuer.

8 "Sale" means any delivery for value.

9 "Scheme or artifice to defraud" includes a scheme or
10 artifice to deprive another of the intangible right to honest
11 services.

12 "Self-insured entity" means any person, business,
13 partnership, corporation, or organization that sets aside
14 funds to meet his, her, or its losses or to absorb fluctuations
15 in the amount of loss, the losses being charged against the
16 funds set aside or accumulated.

17 "Social networking website" means an Internet website
18 containing profile web pages of the members of the website that
19 include the names or nicknames of such members, photographs
20 placed on the profile web pages by such members, or any other
21 personal or personally identifying information about such
22 members and links to other profile web pages on social
23 networking websites of friends or associates of such members
24 that can be accessed by other members or visitors to the
25 website. A social networking website provides members of or
26 visitors to such website the ability to leave messages or

1 comments on the profile web page that are visible to all or
2 some visitors to the profile web page and may also include a
3 form of electronic mail for members of the social networking
4 website.

5 "Statement" means any assertion, oral, written, or
6 otherwise, and includes, but is not limited to: any notice,
7 letter, or memorandum; proof of loss; bill of lading; receipt
8 for payment; invoice, account, or other financial statement;
9 estimate of property damage; bill for services; diagnosis or
10 prognosis; prescription; hospital, medical, or dental chart or
11 other record, x-ray, photograph, videotape, or movie film; test
12 result; other evidence of loss, injury, or expense;
13 computer-generated document; and data in any form.

14 "Universal Price Code Label" means a unique symbol that
15 consists of a machine-readable code and human-readable
16 numbers.

17 "With intent to defraud" means to act knowingly, and with
18 the specific intent to deceive or cheat, for the purpose of
19 causing financial loss to another or bringing some financial
20 gain to oneself, regardless of whether any person was actually
21 defrauded or deceived. This includes an intent to cause another
22 to assume, create, transfer, alter, or terminate any right,
23 obligation, or power with reference to any person or property.
24 (Source: P.A. 96-1551, eff. 7-1-11; 97-597, eff. 1-1-12.)

25 (720 ILCS 5/17-52.5) (was 720 ILCS 5/16D-5.5)

1 Sec. 17-52.5. Unlawful use of encryption.

2 (a) For the purpose of this Section:

3 "Computer" has the meaning ascribed to the term in
4 Section 17-0.5 ~~means an electronic device which performs~~
5 ~~logical, arithmetic, and memory functions by manipulations~~
6 ~~of electronic or magnetic impulses and includes all~~
7 ~~equipment related to the computer in a system or network.~~

8 ~~"Computer contaminant" means any data, information,~~
9 ~~image, program, signal, or sound that is designated or has~~
10 ~~the capability to: (1) contaminate, corrupt, consume,~~
11 ~~damage, destroy, disrupt, modify, record, or transmit; or~~
12 ~~(2) cause to be contaminated, corrupted, consumed,~~
13 ~~damaged, destroyed, disrupted, modified, recorded, or~~
14 ~~transmitted, any other data, information, image, program,~~
15 ~~signal, or sound contained in a computer, system, or~~
16 ~~network without the knowledge or consent of the person who~~
17 ~~owns the other data, information, image, program, signal,~~
18 ~~or sound or the computer, system, or network.~~

19 ~~"Computer contaminant" includes, without limitation:~~
20 ~~(1) a virus, worm, or Trojan horse; (2) spyware that tracks~~
21 ~~computer activity and is capable of recording and~~
22 ~~transmitting such information to third parties; or (3) any~~
23 ~~other similar data, information, image, program, signal,~~
24 ~~or sound that is designed or has the capability to prevent,~~
25 ~~impede, delay, or disrupt the normal operation or use of~~
26 ~~any component, device, equipment, system, or network.~~

1 "Encryption" means the use of any protective or
2 disruptive measure, including, without limitation,
3 cryptography, enciphering, encoding, or a computer
4 contaminant, to: (1) prevent, impede, delay, or disrupt
5 access to any data, information, image, program, signal, or
6 sound; (2) cause or make any data, information, image,
7 program, signal, or sound unintelligible or unusable; or
8 (3) prevent, impede, delay, or disrupt the normal operation
9 or use of any component, device, equipment, system, or
10 network.

11 "Network" means a set of related, remotely connected
12 devices and facilities, including more than one system,
13 with the capability to transmit data among any of the
14 devices and facilities. The term includes, without
15 limitation, a local, regional, or global computer network.

16 "Program" means an ordered set of data representing
17 coded instructions or statements which can be executed by a
18 computer and cause the computer to perform one or more
19 tasks.

20 "System" means a set of related equipment, whether or
21 not connected, which is used with or for a computer.

22 (b) A person shall not knowingly use or attempt to use
23 encryption, directly or indirectly, to:

24 (1) commit, facilitate, further, or promote any
25 criminal offense;

26 (2) aid, assist, or encourage another person to commit

1 any criminal offense;

2 (3) conceal evidence of the commission of any criminal
3 offense; or

4 (4) conceal or protect the identity of a person who has
5 committed any criminal offense.

6 (c) Telecommunications carriers and information service
7 providers are not liable under this Section, except for willful
8 and wanton misconduct, for providing encryption services used
9 by others in violation of this Section.

10 (d) Sentence. A person who violates this Section is guilty
11 of a Class A misdemeanor, unless the encryption was used or
12 attempted to be used to commit an offense for which a greater
13 penalty is provided by law. If the encryption was used or
14 attempted to be used to commit an offense for which a greater
15 penalty is provided by law, the person shall be punished as
16 prescribed by law for that offense.

17 (e) A person who violates this Section commits a criminal
18 offense that is separate and distinct from any other criminal
19 offense and may be prosecuted and convicted under this Section
20 whether or not the person or any other person is or has been
21 prosecuted or convicted for any other criminal offense arising
22 out of the same facts as the violation of this Section.

23 (Source: P.A. 95-942, eff. 1-1-09; 96-1551, eff. 7-1-11.)

24 (720 ILCS 5/17-55)

25 Sec. 17-55. Definitions. For the purposes of this

1 subdivision 30 ~~Sections 17-50 through 17-53:~~

2 In addition to its meaning as defined in Section 15-1 of
3 this Code, "property" means: (1) electronic impulses; (2)
4 electronically produced data; (3) confidential, copyrighted,
5 or proprietary information; (4) private identification codes
6 or numbers which permit access to a computer by authorized
7 computer users or generate billings to consumers for purchase
8 of goods and services, including but not limited to credit card
9 transactions and telecommunications services or permit
10 electronic fund transfers; (5) software or programs in either
11 machine or human readable form; or (6) any other tangible or
12 intangible item relating to a computer or any part thereof.

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

16 "Services" includes but is not limited to computer time,
17 data manipulation, or storage functions.

18 "Vital services or operations" means those services or
19 operations required to provide, operate, maintain, and repair
20 network cabling, transmission, distribution, or computer
21 facilities necessary to ensure or protect the public health,
22 safety, or welfare. Those services or operations include, but
23 are not limited to, services provided by medical personnel or
24 institutions, fire departments, emergency services agencies,
25 national defense contractors, armed forces or militia
26 personnel, private and public utility companies, or law

1 enforcement agencies.

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

3 (720 ILCS 5/28-2) (from Ch. 38, par. 28-2)

4 Sec. 28-2. Definitions.

5 (a) A "gambling device" is any clock, tape machine, slot
6 machine or other machines or device for the reception of money
7 or other thing of value on chance or skill or upon the action
8 of which money or other thing of value is staked, hazarded,
9 bet, won or lost; or any mechanism, furniture, fixture,
10 equipment or other device designed primarily for use in a
11 gambling place. A "gambling device" does not include:

12 (1) A coin-in-the-slot operated mechanical device
13 played for amusement which rewards the player with the
14 right to replay such mechanical device, which device is so
15 constructed or devised as to make such result of the
16 operation thereof depend in part upon the skill of the
17 player and which returns to the player thereof no money,
18 property or right to receive money or property.

19 (2) Vending machines by which full and adequate return
20 is made for the money invested and in which there is no
21 element of chance or hazard.

22 (3) A crane game. For the purposes of this paragraph
23 (3), a "crane game" is an amusement device involving skill,
24 if it rewards the player exclusively with merchandise
25 contained within the amusement device proper and limited to

1 toys, novelties and prizes other than currency, each having
2 a wholesale value which is not more than \$25.

3 (4) A redemption machine. For the purposes of this
4 paragraph (4), a "redemption machine" is a single-player or
5 multi-player amusement device involving a game, the object
6 of which is throwing, rolling, bowling, shooting, placing,
7 or propelling a ball or other object that is either
8 physical or computer generated on a display or with lights
9 into, upon, or against a hole or other target that is
10 either physical or computer generated on a display or with
11 lights, or stopping, by physical, mechanical, or
12 electronic means, a moving object that is either physical
13 or computer generated on a display or with lights into,
14 upon, or against a hole or other target that is either
15 physical or computer generated on a display or with lights,
16 provided that all of the following conditions are met:

17 (A) The outcome of the game is predominantly
18 determined by the skill of the player.

19 (B) The award of the prize is based solely upon the
20 player's achieving the object of the game or otherwise
21 upon the player's score.

22 (C) Only merchandise prizes are awarded.

23 (D) The wholesale value of prizes awarded in lieu
24 of tickets or tokens for single play of the device does
25 not exceed \$25.

26 (E) The redemption value of tickets, tokens, and

1 other representations of value, which may be
2 accumulated by players to redeem prizes of greater
3 value, for a single play of the device does not exceed
4 \$25.

5 (5) Video gaming terminals at a licensed
6 establishment, licensed truck stop establishment, licensed
7 fraternal establishment, or licensed veterans
8 establishment licensed in accordance with the Video Gaming
9 Act.

10 (a-5) "Internet" means an interactive computer service or
11 system or an information service, system, or access software
12 provider that provides or enables computer access by multiple
13 users to a computer server, and includes, but is not limited
14 to, an information service, system, or access software provider
15 that provides access to a network system commonly known as the
16 Internet, or any comparable system or service and also
17 includes, but is not limited to, a World Wide Web page,
18 newsgroup, message board, mailing list, or chat area on any
19 interactive computer service or system or other online service.

20 (a-6) "Access" has the meaning ascribed to the term in
21 Section 17-55 and "~~computer~~" ~~have the meanings ascribed to them~~
22 ~~in Section 16D-2 of this Code.~~

23 (a-7) "Computer" has the meaning ascribed to the term in
24 Section 17-0.5.

25 (b) A "lottery" is any scheme or procedure whereby one or
26 more prizes are distributed by chance among persons who have

1 paid or promised consideration for a chance to win such prizes,
2 whether such scheme or procedure is called a lottery, raffle,
3 gift, sale or some other name, excluding savings promotion
4 raffles authorized under Section 5g of the Illinois Banking
5 Act, Section 7008 of the Savings Bank Act, Section 42.7 of the
6 Illinois Credit Union Act, Section 5136B of the National Bank
7 Act (12 U.S.C. 25a), or Section 4 of the Home Owners' Loan Act
8 (12 U.S.C. 1463).

9 (c) A "policy game" is any scheme or procedure whereby a
10 person promises or guarantees by any instrument, bill,
11 certificate, writing, token or other device that any particular
12 number, character, ticket or certificate shall in the event of
13 any contingency in the nature of a lottery entitle the
14 purchaser or holder to receive money, property or evidence of
15 debt.

16 (Source: P.A. 98-31, eff. 6-24-13; 99-149, eff. 1-1-16.)