



Sen. Suzy Glowiak Hilton

Filed: 3/28/2022

10200HB1091sam001

LRB102 03105 RLC 38100 a

1 AMENDMENT TO HOUSE BILL 1091

2 AMENDMENT NO. _____. Amend House Bill 1091 by replacing
3 everything after the enacting clause with the following:

4 "Article 1.

5 Section 1-1. Short title. This Article may be cited as the
6 Illinois Integrity, Notification, and Fairness in Online
7 Retail Marketplaces for Consumers (INFORM Consumers) Act.
8 References in this Article to "this Act" mean this Article.

9 Section 1-5. Definitions. In this Act:

10 "Consumer product" means any tangible personal property
11 that is distributed in commerce and that is normally used for
12 personal, family, or household purposes (including any such
13 property intended to be attached to or installed in any real
14 property without regard to whether it is so attached or
15 installed).

1 "High-volume third-party seller" means a participant in an
2 online marketplace who is a third-party seller and who, in any
3 continuous 12-month period during the previous 24 months, has
4 entered into 200 or more discrete sales or transactions of new
5 or unused consumer products and has an aggregate total of
6 \$5,000 or more in gross revenue. For purposes of calculating
7 the number of discrete sales or transactions or the aggregate
8 gross revenues under subsection (a) of Section 1-10, an online
9 marketplace shall only be required to count sales or
10 transactions made through the online marketplace and for which
11 payment was processed by the online marketplace, either
12 directly or through its payment processor.

13 "Online marketplace" means any person or entity that:

14 (1) operates a consumer-directed electronically based
15 or accessed platform that includes features that allow
16 for, facilitate, or enable online third-party sellers to
17 engage in the sale, purchase, payment, storage, shipping,
18 or delivery of consumer products in this State;

19 (2) is used by one or more online third-party sellers
20 for such purposes; and

21 (3) has a contractual or similar relationship with
22 consumers governing their use of the platform to purchase
23 consumer product.

24 "Seller" means a person who sells, offers to sell, or
25 contracts to sell consumer products through an online
26 marketplace's platform.

1 "Third-party seller" means any seller, independent of an
2 online marketplace, who sells, offers to sell, or contracts to
3 sell a consumer product in this State through an online
4 marketplace. "Third-party seller" does not include, with
5 respect to an online marketplace:

6 (1) a seller who operates the online marketplace's
7 platform; or

8 (2) a business entity that has:

9 (A) made available to the public the entity's
10 name, business address, and working contact
11 information;

12 (B) an ongoing contractual relationship with the
13 online marketplace to provide the online marketplace
14 with the manufacture, distribution, wholesaling, or
15 fulfillment of shipments of consumer products; and

16 (C) provided to the online marketplace identifying
17 information, as described in subsection (a) of Section
18 1-10, that has been verified in accordance with that
19 subsection.

20 "Verify" means to confirm information provided to an
21 online marketplace, including, but not limited to, by the use
22 of one or more methods that enable the online marketplace to
23 reliably determine that any information and documents provided
24 are valid, corresponding to the seller or an individual acting
25 on the seller's behalf, not misappropriated, and not
26 falsified.

1 Section 1-10. Online marketplace verification.

2 (a) Online marketplaces shall require that any high-volume
3 third-party seller on the online marketplace's platform
4 provide the online marketplace with the following information
5 no later than 10 days after qualifying as a high-volume
6 third-party seller on the platform:

7 (1) A bank account number, or, if the high-volume
8 third-party seller does not have a bank account, the name
9 of the payee for payments issued by the online marketplace
10 to the high-volume third-party seller. The bank account or
11 payee information required may be provided by the seller
12 to the online marketplace or other third parties
13 contracted by the online marketplace to maintain the
14 information, so long as the online marketplace ensures
15 that it can obtain the information on demand from the
16 other third parties.

17 (2) The contact information for the high-volume
18 third-party seller. If the high-volume third-party seller
19 is an individual, the individual's name shall be provided.
20 If the high-volume third-party seller is not an
21 individual, a copy of a valid government-issued
22 identification for an individual acting on behalf of the
23 seller that includes the individual's name or a copy of a
24 valid government-issued record or tax document that
25 includes the business name and physical address of the

1 seller shall be provided.

2 (3) A business tax identification number or, if the
3 high-volume third-party seller does not have a business
4 tax identification number, a taxpayer identification
5 number.

6 (4) A current working email address and phone number
7 for the high-volume third-party seller.

8 (b) An online marketplace shall periodically, but not less
9 than annually, notify any high-volume third-party seller on
10 the online marketplace's platform of the requirement to keep
11 any information collected under subsection (a) current and
12 require any high-volume third-party seller on the online
13 marketplace's platform to, not later than 10 days after
14 receiving the notice, electronically certify that:

15 (1) the high-volume third-party seller has provided
16 any changes to the information to the online marketplace,
17 if such changes have occurred;

18 (2) there have been no changes to the high-volume
19 third-party seller's information; or

20 (3) the high-volume third-party seller has provided
21 any changes to such information to the online marketplace.

22 (c) If a high-volume third-party seller does not provide
23 the information or certification required under this Section,
24 the online marketplace, after providing the seller with
25 written or electronic notice and an opportunity to provide the
26 information or certification not later than 10 days after the

1 issuance of the notice, shall suspend any future sales
2 activity of the seller until the seller provides the
3 information or certification.

4 (d) An online marketplace shall verify the information
5 collected under subsection (a) no later than 10 days after the
6 collection and shall verify any change to the information not
7 later than 10 days after being notified of the change by a
8 high-volume third-party seller under subsection (b). If a
9 high-volume third-party seller provides a copy of a valid
10 government-issued tax document, any information contained in
11 the document shall be presumed to be verified as of the date of
12 issuance of the document.

13 (e) An online marketplace shall require any high-volume
14 third-party seller with an aggregate total of \$20,000 or more
15 in annual gross revenues on the online marketplace, and that
16 uses the online marketplace's platform, to provide information
17 to the online marketplace that includes the identity of the
18 high-volume third-party seller, including:

19 (1) the full name of the seller or seller's company
20 name, or the name by which the seller or company operates
21 on the online marketplace;

22 (2) the physical address of the seller;

23 (3) the contact information of the seller including a
24 current working phone number; a current working email
25 address for the seller; or other means of direct
26 electronic messaging that may be provided to the

1 high-volume third-party seller by the online marketplace
2 to allow for the direct, unhindered communication with
3 high-volume third-party sellers by users of the online
4 marketplace; and

5 (4) whether the high-volume third-party seller used a
6 different seller to supply consumer products to consumers
7 upon purchase, and, upon the request of a consumer, the
8 information described in paragraph (1) of this subsection
9 (e) relating to any such seller that supplied the consumer
10 product to the consumer, if the seller is different from
11 the high-volume third-party seller listed on the product
12 listing prior to purchase.

13 (f) An online marketplace shall provide to consumers the
14 information in subsection (e) in a conspicuous manner: (i) in
15 the order confirmation message or other document or
16 communication made to a consumer after a purchase is
17 finalized; and (ii) in the consumer's account transaction
18 history.

19 (g) Upon the request of a high-volume third-party seller,
20 an online marketplace may provide for partial disclosure of
21 the identity information required under subsection (e) as
22 follows:

23 (1) If the high-volume third-party seller certifies to
24 the online marketplace that the seller does not have a
25 business address and only has a residential street
26 address, or has a combined business and residential

1 address, the online marketplace may disclose only the
2 country and, if applicable, the state in which the
3 high-volume third-party seller resides; and inform
4 consumers that there is no business address available for
5 the seller and that consumer inquiries should be submitted
6 to the seller by phone, email, or other means of
7 electronic messaging provided to the seller by the online
8 marketplace.

9 (2) If the high-volume third-party seller certifies to
10 the online marketplace that the seller is a business that
11 has a physical address for product returns, the online
12 marketplace may disclose the seller's physical address for
13 product returns.

14 (3) If a high-volume third-party seller certifies to
15 the online marketplace that the seller does not have a
16 phone number other than a personal phone number, the
17 online marketplace shall inform consumers that there is no
18 phone number available for the seller and that consumer
19 inquiries should be submitted to the seller's email
20 address or other means of electronic messaging provided to
21 the seller by the online marketplace.

22 (h) If an online marketplace becomes aware that a
23 high-volume third-party seller has made a false representation
24 to the online marketplace in order to justify the provision of
25 a partial disclosure under subsection (g) or that a
26 high-volume third-party seller who has requested and received

1 a provision for a partial disclosure under subsection (g) has
2 not provided responsive answers within a reasonable time to
3 consumer inquiries submitted to the seller by phone, email, or
4 other means of electronic messaging provided to the seller by
5 the online marketplace, the online marketplace shall, after
6 providing the seller with written or electronic notice and an
7 opportunity to respond not later than 10 days after the
8 issuance of the notice, suspend any future sales activity of
9 the seller unless the seller consents to the disclosure of the
10 identity information required under subsection (e).

11 (i) If a high-volume third-party seller does not comply
12 with the requirements to provide and disclose information
13 under this Section, the online marketplace, after providing
14 the seller with written or electronic notice and an
15 opportunity to provide or disclose the information not later
16 than 10 days after the issuance of the notice, shall suspend
17 any future sales activity of the seller until the seller
18 complies with the requirements.

19 (j) An online marketplace shall disclose to consumers in a
20 clear and conspicuous manner on the product listing of any
21 high-volume third-party seller a reporting mechanism that
22 allows for electronic and telephonic reporting of suspicious
23 marketplace activity to the online marketplace.

24 (k) Information collected solely to comply with the
25 requirements of this Section may not be used for any other
26 purpose unless required by law. An online marketplace shall

1 implement and maintain reasonable security procedures and
2 practices, including administrative, physical, and technical
3 safeguards, appropriate to the nature of the data and the
4 purposes for which the data will be used, to protect the data
5 collected under this Section from unauthorized use,
6 disclosure, access, destruction, or modification.

7 (1) If the Attorney General has reason to believe that any
8 person has violated this Act, the Attorney General may bring
9 an action in the name of the People of the State against the
10 person to restrain by preliminary or permanent injunction the
11 use of such a method, act, or practice. The court, in its
12 discretion, may exercise all powers necessary, including, but
13 not limited to: injunction; revocation, forfeiture, or
14 suspension of any license, charter, franchise, certificate, or
15 other evidence of authority of any person to do business in
16 this State; appointment of a receiver; dissolution of domestic
17 corporations or associations or suspension or termination of
18 the right of foreign corporations or associations to do
19 business in this State; and restitution. In the administration
20 of this Section, the Attorney General may accept an Assurance
21 of Voluntary Compliance with respect to any method, act, or
22 practice deemed to be violative of this Act from any person who
23 has engaged in, is engaging in, or was about to engage in such
24 a method, act, or practice. Evidence of a violation of an
25 Assurance of Voluntary Compliance shall be prima facie
26 evidence of a violation of this Act in any subsequent

1 proceeding brought by the Attorney General against the alleged
2 violator. The Attorney General shall be empowered to issue
3 subpoenas to or examine under oath any person alleged to have
4 participated in or to have knowledge of the alleged method,
5 act, or practice in violation of this Act. In addition to the
6 remedies provided in the Act, the Attorney General may request
7 and the court may impose a civil penalty in a sum not to exceed
8 \$50,000 per violation. Nothing in this Act creates or is
9 intended to create a private right of action against any
10 high-volume third-party seller, online marketplace seller, or
11 third-party seller based upon compliance or noncompliance with
12 its provisions.

13 (m) To the extent that a substantially similar federal law
14 or regulation conflicts with this Act, the federal law or
15 regulation controls.

16 Article 2.

17 Section 2-5. The Criminal Code of 2012 is amended by
18 changing Sections 16-0.1, 17-37, 17-38, 33G-3, 33G-5, and
19 33G-9 and by adding Sections 16-25.1 and 16-25.2 as follows:

20 (720 ILCS 5/16-0.1)

21 Sec. 16-0.1. Definitions. In this Article, unless the
22 context clearly requires otherwise, the following terms are
23 defined as indicated:

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

4 "Coin-operated machine" includes any automatic vending
5 machine or any part thereof, parking meter, coin telephone,
6 coin-operated transit turnstile, transit fare box, coin
7 laundry machine, coin dry cleaning machine, amusement machine,
8 music machine, vending machine dispensing goods or services,
9 or money changer.

10 "Communication device" means any type of instrument,
11 device, machine, or equipment which is capable of
12 transmitting, acquiring, decrypting, or receiving any
13 telephonic, electronic, data, Internet access, audio, video,
14 microwave, or radio transmissions, signals, communications, or
15 services, including the receipt, acquisition, transmission, or
16 decryption of all such communications, transmissions, signals,
17 or services provided by or through any cable television, fiber
18 optic, telephone, satellite, microwave, radio, Internet-based,
19 data transmission, or wireless distribution network, system or
20 facility; or any part, accessory, or component thereof,
21 including any computer circuit, security module, smart card,
22 software, computer chip, electronic mechanism or other
23 component, accessory or part of any communication device which
24 is capable of facilitating the transmission, decryption,
25 acquisition or reception of all such communications,
26 transmissions, signals, or services.

1 "Communication service" means any service lawfully
2 provided for a charge or compensation to facilitate the lawful
3 origination, transmission, emission, or reception of signs,
4 signals, data, writings, images, and sounds or intelligence of
5 any nature by telephone, including cellular telephones or a
6 wire, wireless, radio, electromagnetic, photo-electronic or
7 photo-optical system; and also any service lawfully provided
8 by any radio, telephone, cable television, fiber optic,
9 satellite, microwave, Internet-based or wireless distribution
10 network, system, facility or technology, including, but not
11 limited to, any and all electronic, data, video, audio,
12 Internet access, telephonic, microwave and radio
13 communications, transmissions, signals and services, and any
14 such communications, transmissions, signals and services
15 lawfully provided directly or indirectly by or through any of
16 those networks, systems, facilities or technologies.

17 "Communication service provider" means: (1) any person or
18 entity providing any communication service, whether directly
19 or indirectly, as a reseller, including, but not limited to, a
20 cellular, paging or other wireless communications company or
21 other person or entity which, for a fee, supplies the
22 facility, cell site, mobile telephone switching office or
23 other equipment or communication service; (2) any person or
24 entity owning or operating any cable television, fiber optic,
25 satellite, telephone, wireless, microwave, radio, data
26 transmission or Internet-based distribution network, system or

1 facility; and (3) any person or entity providing any
2 communication service directly or indirectly by or through any
3 such distribution system, network or facility.

4 "Computer" means a device that accepts, processes, stores,
5 retrieves or outputs data, and includes but is not limited to
6 auxiliary storage and telecommunications devices connected to
7 computers.

8 "Continuing course of conduct" means a series of acts, and
9 the accompanying mental state necessary for the crime in
10 question, irrespective of whether the series of acts are
11 continuous or intermittent.

12 "Delivery container" means any bakery basket of wire or
13 plastic used to transport or store bread or bakery products,
14 any dairy case of wire or plastic used to transport or store
15 dairy products, and any dolly or cart of 2 or 4 wheels used to
16 transport or store any bakery or dairy product.

17 "Document-making implement" means any implement,
18 impression, template, computer file, computer disc, electronic
19 device, computer hardware, computer software, instrument, or
20 device that is used to make a real or fictitious or fraudulent
21 personal identification document.

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

- 23 (1) An electronic funds transfer card.
24 (2) A credit card.
25 (3) A debit card.
26 (4) A point-of-sale card.

1 (5) Any instrument, device, card, plate, code, account
2 number, personal identification number, or a record or
3 copy of a code, account number, or personal identification
4 number or other means of access to a credit account or
5 deposit account, or a driver's license or State
6 identification card used to access a proprietary account,
7 other than access originated solely by a paper instrument,
8 that can be used alone or in conjunction with another
9 access device, for any of the following purposes:

10 (A) Obtaining money, cash refund or credit
11 account, credit, goods, services, or any other thing
12 of value.

13 (B) Certifying or guaranteeing to a person or
14 business the availability to the device holder of
15 funds on deposit to honor a draft or check payable to
16 the order of that person or business.

17 (C) Providing the device holder access to a
18 deposit account for the purpose of making deposits,
19 withdrawing funds, transferring funds between deposit
20 accounts, obtaining information pertaining to a
21 deposit account, or making an electronic funds
22 transfer.

23 "Full retail value" means the merchant's stated or
24 advertised price of the merchandise. "Full retail value"
25 includes the aggregate value of property obtained from retail
26 thefts committed by the same person as part of a continuing

1 course of conduct from one or more mercantile establishments
2 in a single transaction or in separate transactions over a
3 period of one year.

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

15 "Library card" means a card or plate issued by a library
16 facility for purposes of identifying the person to whom the
17 library card was issued as authorized to borrow library
18 material, subject to all limitations and conditions imposed on
19 the borrowing by the library facility issuing such card.

20 "Library facility" includes any public library or museum,
21 or any library or museum of an educational, historical or
22 eleemosynary institution, organization or society.

23 "Library material" includes any book, plate, picture,
24 photograph, engraving, painting, sculpture, statue, artifact,
25 drawing, map, newspaper, pamphlet, broadside, magazine,
26 manuscript, document, letter, microfilm, sound recording,

1 audiovisual material, magnetic or other tape, electronic data
2 processing record or other documentary, written or printed
3 material regardless of physical form or characteristics, or
4 any part thereof, belonging to, or on loan to or otherwise in
5 the custody of a library facility.

6 "Manufacture or assembly of an unlawful access device"
7 means to make, produce or assemble an unlawful access device
8 or to modify, alter, program or re-program any instrument,
9 device, machine, equipment or software so that it is capable
10 of defeating or circumventing any technology, device or
11 software used by the provider, owner or licensee of a
12 communication service or of any data, audio or video programs
13 or transmissions to protect any such communication, data,
14 audio or video services, programs or transmissions from
15 unauthorized access, acquisition, disclosure, receipt,
16 decryption, communication, transmission or re-transmission.

17 "Manufacture or assembly of an unlawful communication
18 device" means to make, produce or assemble an unlawful
19 communication or wireless device or to modify, alter, program
20 or reprogram a communication or wireless device to be capable
21 of acquiring, disrupting, receiving, transmitting, decrypting,
22 or facilitating the acquisition, disruption, receipt,
23 transmission or decryption of, a communication service without
24 the express consent or express authorization of the
25 communication service provider, or to knowingly assist others
26 in those activities.

1 "Master sound recording" means the original physical
2 object on which a given set of sounds were first recorded and
3 which the original object from which all subsequent sound
4 recordings embodying the same set of sounds are directly or
5 indirectly derived.

6 "Merchandise" means any item of tangible personal
7 property, including motor fuel.

8 "Merchant" means an owner or operator of any retail
9 mercantile establishment or any agent, employee, lessee,
10 consignee, officer, director, franchisee, or independent
11 contractor of the owner or operator. "Merchant" also means a
12 person who receives from an authorized user of a payment card,
13 or someone the person believes to be an authorized user, a
14 payment card or information from a payment card, or what the
15 person believes to be a payment card or information from a
16 payment card, as the instrument for obtaining, purchasing or
17 receiving goods, services, money, or anything else of value
18 from the person.

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

21 "Online" means the use of any electronic or wireless
22 device to access the Internet.

23 "Online marketplace" means any person or entity that:

24 (1) operates a consumer-directed electronically based
25 or accessed platform that includes features that allow
26 for, facilitate, or enable online third-party sellers to

1 engage in the sale, purchase, payment, storage, shipping,
2 or delivery of merchandise in this State and is used by one
3 or more online third-party sellers for such purposes; and

4 (2) has a contractual or similar relationship with
5 consumers governing their use of the platform to purchase
6 merchandise.

7 "Payment card" means a credit card, charge card, debit
8 card, or any other card that is issued to an authorized card
9 user and that allows the user to obtain, purchase, or receive
10 goods, services, money, or anything else of value from a
11 merchant.

12 "Person with a disability" means a person who suffers from
13 a physical or mental impairment resulting from disease,
14 injury, functional disorder or congenital condition that
15 impairs the individual's mental or physical ability to
16 independently manage his or her property or financial
17 resources, or both.

18 "Personal identification document" means a birth
19 certificate, a driver's license, a State identification card,
20 a public, government, or private employment identification
21 card, a social security card, a firearm owner's identification
22 card, a credit card, a debit card, or a passport issued to or
23 on behalf of a person other than the offender, or any document
24 made or issued, or falsely purported to have been made or
25 issued, by or under the authority of the United States
26 Government, the State of Illinois, or any other state

1 political subdivision of any state, or any other governmental
2 or quasi-governmental organization that is of a type intended
3 for the purpose of identification of an individual, or any
4 such document made or altered in a manner that it falsely
5 purports to have been made on behalf of or issued to another
6 person or by the authority of one who did not give that
7 authority.

8 "Personal identifying information" means any of the
9 following information:

10 (1) A person's name.

11 (2) A person's address.

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

13 (4) A person's telephone number.

14 (5) A person's driver's license number or State of
15 Illinois identification card as assigned by the Secretary
16 of State of the State of Illinois or a similar agency of
17 another state.

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

19 (7) A person's public, private, or government
20 employer, place of employment, or employment
21 identification number.

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

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

25 (10) The number assigned to a person's credit or debit
26 card, commonly known as a "Visa Card", "MasterCard",

1 "American Express Card", "Discover Card", or other similar
2 cards whether issued by a financial institution,
3 corporation, or business entity.

4 (11) Personal identification numbers.

5 (12) Electronic identification numbers.

6 (13) Digital signals.

7 (14) User names, passwords, and any other word,
8 number, character or combination of the same usable in
9 whole or part to access information relating to a specific
10 individual, or to the actions taken, communications made
11 or received, or other activities or transactions of a
12 specific individual.

13 (15) Any other numbers or information which can be
14 used to access a person's financial resources, or to
15 identify a specific individual, or the actions taken,
16 communications made or received, or other activities or
17 transactions of a specific individual.

18 "Premises of a retail mercantile establishment" includes,
19 but is not limited to, the retail mercantile establishment;
20 any common use areas in shopping centers; and all parking
21 areas set aside by a merchant or on behalf of a merchant for
22 the parking of vehicles for the convenience of the patrons of
23 such retail mercantile establishment.

24 "Public water, gas, or power supply, or other public
25 services" mean any service subject to regulation by the
26 Illinois Commerce Commission; any service furnished by a

1 public utility that is owned and operated by any political
2 subdivision, public institution of higher education or
3 municipal corporation of this State; any service furnished by
4 any public utility that is owned by such political
5 subdivision, public institution of higher education, or
6 municipal corporation and operated by any of its lessees or
7 operating agents; any service furnished by an electric
8 cooperative as defined in Section 3.4 of the Electric Supplier
9 Act; or wireless service or other service regulated by the
10 Federal Communications Commission.

11 "Publish" means to communicate or disseminate information
12 to any one or more persons, either orally, in person, or by
13 telephone, radio or television or in writing of any kind,
14 including, without limitation, a letter or memorandum,
15 circular or handbill, newspaper or magazine article or book.

16 "Radio frequency identification device" means any
17 implement, computer file, computer disc, electronic device,
18 computer hardware, computer software, or instrument that is
19 used to activate, read, receive, or decode information stored
20 on a RFID tag or transponder attached to a personal
21 identification document.

22 "RFID tag or transponder" means a chip or device that
23 contains personal identifying information from which the
24 personal identifying information can be read or decoded by
25 another device emitting a radio frequency that activates or
26 powers a radio frequency emission response from the chip or

1 transponder.

2 "Reencoder" means an electronic device that places encoded
3 information from the magnetic strip or stripe of a payment
4 card onto the magnetic strip or stripe of a different payment
5 card.

6 "Retail mercantile establishment" means any place where
7 merchandise is displayed, held, stored or offered for sale to
8 the public.

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

13 "Shopping cart" means those push carts of the type or
14 types which are commonly provided by grocery stores, drug
15 stores or other retail mercantile establishments for the use
16 of the public in transporting commodities in stores and
17 markets and, incidentally, from the stores to a place outside
18 the store.

19 "Sound or audio visual recording" means any sound or audio
20 visual phonograph record, disc, pre-recorded tape, film, wire,
21 magnetic tape or other object, device or medium, now known or
22 hereafter invented, by which sounds or images may be
23 reproduced with or without the use of any additional machine,
24 equipment or device.

25 "Stored value card" means any card, gift card, instrument,
26 or device issued with or without fee for the use of the

1 cardholder to obtain money, goods, services, or anything else
2 of value, including, but not limited to, debit cards issued
3 for use as a stored value card or gift card, an account
4 identification number or symbol used to identify a stored
5 value card, or a prepaid card usable at multiple, unaffiliated
6 merchants or at automated teller machines.

7 "Theft detection device remover" means any tool or device
8 specifically designed and intended to be used to remove any
9 theft detection device from any merchandise.

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

13 "Unidentified sound or audio visual recording" means a
14 sound or audio visual recording without the actual name and
15 full and correct street address of the manufacturer, and the
16 name of the actual performers or groups prominently and
17 legibly printed on the outside cover or jacket and on the label
18 of such sound or audio visual recording.

19 "Unlawful access device" means any type of instrument,
20 device, machine, equipment, technology, or software which is
21 primarily possessed, used, designed, assembled, manufactured,
22 sold, distributed or offered, promoted or advertised for the
23 purpose of defeating or circumventing any technology, device
24 or software, or any component or part thereof, used by the
25 provider, owner or licensee of any communication service or of
26 any data, audio or video programs or transmissions to protect

1 any such communication, audio or video services, programs or
2 transmissions from unauthorized access, acquisition, receipt,
3 decryption, disclosure, communication, transmission or
4 re-transmission.

5 "Unlawful communication device" means any electronic
6 serial number, mobile identification number, personal
7 identification number or any communication or wireless device
8 that is capable of acquiring or facilitating the acquisition
9 of a communication service without the express consent or
10 express authorization of the communication service provider,
11 or that has been altered, modified, programmed or
12 reprogrammed, alone or in conjunction with another
13 communication or wireless device or other equipment, to so
14 acquire or facilitate the unauthorized acquisition of a
15 communication service. "Unlawful communication device" also
16 means:

17 (1) any phone altered to obtain service without the
18 express consent or express authorization of the
19 communication service provider, tumbler phone, counterfeit
20 or clone phone, tumbler microchip, counterfeit or clone
21 microchip, scanning receiver of wireless communication
22 service or other instrument capable of disguising its
23 identity or location or of gaining unauthorized access to
24 a communications or wireless system operated by a
25 communication service provider; and

26 (2) any communication or wireless device which is

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

17 "Vehicle" means a motor vehicle, motorcycle, or farm
18 implement that is self-propelled and that uses motor fuel for
19 propulsion.

20 "Wireless device" includes any type of instrument, device,
21 machine, or equipment that is capable of transmitting or
22 receiving telephonic, electronic or radio communications, or
23 any part of such instrument, device, machine, or equipment, or
24 any computer circuit, computer chip, electronic mechanism, or
25 other component that is capable of facilitating the
26 transmission or reception of telephonic, electronic, or radio

1 communications.

2 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-388, eff.
3 1-1-12; 97-1109, eff. 1-1-13.)

4 (720 ILCS 5/16-25.1 new)

5 Sec. 16-25.1. Organized retail crime.

6 (a) A person commits organized retail crime when that
7 person, alone or in association with another person, knowingly
8 does any of the following:

9 (1) engages in conduct in which one or more of the
10 following apply:

11 (A) a theft of the merchandise is committed from
12 one or more retail mercantile establishments, and the
13 person committing the act has the intent or purpose of
14 reselling the stolen merchandise or otherwise having
15 the stolen merchandise reenter the stream of commerce,
16 including the transfer of the stolen merchandise to
17 another retail mercantile establishment or to any
18 other person personally, through the mail, or through
19 any electronic medium, including the Internet or
20 online marketplace, in exchange for anything of value;

21 (B) 2 or more individuals in concert with each
22 other enter a retail mercantile establishment with the
23 intent to commit theft of merchandise; or

24 (C) the theft of the merchandise is committed
25 while the merchandise is in transit from the

1 manufacturer to the retail mercantile establishment
2 where the person has the intent to resell that
3 merchandise.

4 (2) recruits, organizes, supervises, finances, or
5 otherwise manages or assists another person in engaging in
6 conduct described in paragraph (1);

7 (3) conspires with another person to engage in conduct
8 described in paragraph (1);

9 (4) receives, purchases, or possesses merchandise for
10 sale or resale knowing or believing the merchandise to be
11 stolen from a retail mercantile establishment;

12 (5) purchases a wireless telecommunication device
13 using fraudulent credit or procures a wireless
14 telecommunications service agreement with the intent to
15 defraud another person or to breach that agreement, or
16 uses another person to obtain a wireless
17 telecommunications service agreement with the intent to
18 defraud another person or to breach that agreement;

19 (6) receives, possesses, or purchases any merchandise
20 or stored value cards obtained from a fraudulent return
21 with the knowledge that the property was obtained in
22 violation of this Section or Section 16-25;

23 (7) removes, destroys, deactivates, or knowingly
24 evades any component of an anti-shoplifting or inventory
25 control device to prevent the activation of that device to
26 aid one or more individuals in engaging in conduct

1 described in paragraph (1);

2 (8) uses any artifice, instrument, container, device,
3 or other article to aid one or more individuals in
4 engaging in conduct described in paragraph (1);

5 (9) causes an emergency alarm to sound or otherwise
6 activates, deactivates, or prevents an emergency alarm
7 from sounding to aid one or more individuals in engaging
8 in conduct described in paragraph (1); or

9 (10) damages, destroys, or defaces the property of a
10 retail mercantile establishment while engaging in conduct
11 described in paragraph (1).

12 (b) In a prosecution under paragraph (6) of subsection
13 (a), the trier of fact may infer from the defendant's receipt,
14 possession, or purchase of 10 or more stored value cards in a
15 14-day period from the same individual or merchant that the
16 property was obtained in violation of this Section or Section
17 16-25.

18 (c) A stored value card purchased by anyone other than the
19 original issuer, the issuer's authorized agent, or the
20 original purchaser shall be held for a period of 5 business
21 days or 7 calendar days, whichever is shorter, prior to resale
22 or use. This subsection (c) shall apply only to a person who
23 purchases 10 or more stored value cards in a 90-day period.

24 (d) It is not a defense to a charge under this Section that
25 the property was not stolen, embezzled, or converted property
26 at the time of the violation if the property was explicitly

1 represented to the accused person as being stolen, embezzled,
2 or converted property.

3 (e) This Section does not prohibit a person from being
4 charged with, convicted of, or sentenced for any violation of
5 law arising out of the same criminal transaction that violates
6 this Section or any other Act, and shall not be construed as
7 limiting or precluding any prosecution for a violation of
8 Section 16-25 or one or more similar offenses under subsection
9 (h) or (i) of Section 17-10.6, Section 25-4, or one or more
10 similar offenses under the laws of this State or any other
11 state, or any combination of any of those violations or
12 similar offenses, even though the conduct constituting the
13 basis for those violations or offenses could be construed as
14 also constituting organized retail crime or conduct of the
15 type described under this Section.

16 (f) If acts or omissions constituting any part of the
17 commission of the charged offense under this Section occurred
18 in more than one county, each county has concurrent venue. If
19 the charged offenses under this Section occurred in more than
20 one county, the counties may join the offenses in a single
21 criminal pleading and have concurrent venue as to all charged
22 offenses. When counties have concurrent venue, the first
23 county in which a criminal complaint, information, or
24 indictment is issued in the case becomes the county with
25 exclusive venue. A violation of organized retail crime may be
26 investigated, indicted, and prosecuted pursuant to the

1 Statewide Grand Jury Act.

2 (g) Sentence. A violation of paragraph (1), (3), or (4) of
3 subsection (a) of this Section is a Class 3 felony. A violation
4 of paragraph (5) or (6) of subsection (a) is a Class 4 felony.
5 A violation of paragraph (2), (7), (8), (9), or (10) of
6 subsection (a) is a Class 2 felony.

7 (720 ILCS 5/16-25.2 new)

8 Sec. 16-25.2. Retail loss prevention report and notice
9 requirements.

10 (a) A retail mercantile establishment that is a victim of
11 a violation of Section 16-25, 16-25.1, 17-10.6, or 25-4 shall
12 have the right:

13 (1) to timely notification of all court proceedings as
14 defined under subsection (e) of Section 3 of the Rights of
15 Crime Victims and Witnesses Act. Timely notice shall
16 include 7 days' notice of any court proceedings. Timely
17 notice shall be sent to the location of the retail
18 mercantile establishment where the violation occurred and
19 to the point of contact as provided by the retail
20 mercantile establishment. The point of contact may be any
21 employee of the retail mercantile establishment or
22 representative as provided by the retail mercantile
23 establishment;

24 (2) to communicate with the prosecution;

25 (3) to be reasonably heard at any post-arraignment

1 court proceeding in which a right of the victim is at issue
2 and any court proceeding involving a post-arraignment
3 release decision, plea, or sentencing;

4 (4) to be notified of the conviction, the sentence,
5 the imprisonment, and the release of the accused; and

6 (5) to have present at all court proceedings subject
7 to the rules of evidence an advocate of the retail
8 mercantile establishment's choice.

9 (b) Unless a retail mercantile establishment refuses to
10 file a report regarding the incident, the law enforcement
11 agency having jurisdiction shall file a report concerning the
12 incident with the State's Attorney. No law enforcement agent
13 shall discourage or attempt to discourage a retail mercantile
14 establishment from filing a police report concerning the
15 incident. Upon the request of the retail mercantile
16 establishment, the law enforcement agency having jurisdiction
17 shall provide a free copy of the police report concerning the
18 incident, as soon as practicable, but in no event later than 5
19 business days after the request. The Illinois Law Enforcement
20 Training Standards Board shall not consider any allegation of
21 a violation of this subsection that is contained in a
22 complaint made under Section 1-35 of the Police and Community
23 Relations Improvement Act.

24 (c) At any point, the retail mercantile establishment has
25 the right to retain an attorney who may be present during all
26 stages of any interview, investigation, or other interaction

1 with representatives of the criminal justice system. Treatment
2 of the retail mercantile establishment shall not be affected
3 or altered in any way as a result of the decision of the retail
4 mercantile establishment to exercise this right.

5 (720 ILCS 5/17-37)

6 Sec. 17-37. Use of credit or debit card with intent to
7 defraud.

8 (a) A cardholder who uses a credit card or debit card
9 issued to him or her, or allows another person to use a credit
10 card or debit card issued to him or her, with intent to defraud
11 the issuer, or a person providing an item or items of value, or
12 any other person is guilty of a Class A misdemeanor if the
13 value of all items of value does not exceed \$150 in any 6-month
14 period; and is guilty of a Class 4 felony if the value exceeds
15 \$150 in any 6-month period.

16 (b) An issuer shall not provide a debit or credit
17 cardholder the value in any manner of any item purchased with
18 intent to defraud the issuer or a person providing an item of
19 value. If an issuer provides value in any manner to a debit or
20 credit cardholder of the value of any item that the debit or
21 credit cardholder purchased with the intent to defraud the
22 issuer or a person providing an item of value, the issuer shall
23 reimburse the person providing the item of value for any loss
24 as a result of the fraud and any reasonable costs associated
25 with collecting the value of the item. If the issuer fails to

1 reimburse the person providing an item of value when the
2 issuer is required to do so under this subsection, the person
3 providing an item of value may bring a civil action against the
4 issuer for the amount of the loss and reasonable costs. The
5 trier of fact may infer that a debit or credit cardholder
6 intended to defraud an issuer or a person providing an item of
7 value when the debit or credit cardholder purchased an item of
8 value with a credit or debit card and disputed the
9 transaction, requested a reimbursement for the transaction, or
10 requested a stop-payment order on the transaction and did not
11 return the item of value to the person providing the item of
12 value.

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

14 (720 ILCS 5/17-38)

15 Sec. 17-38. Use of account number or code with intent to
16 defraud; possession of record of charge forms.

17 (a) A person who, with intent to defraud either an issuer,
18 or a person providing an item or items of value, or any other
19 person, utilizes an account number or code or enters
20 information on a record of charge form with the intent to
21 obtain an item or items of value is guilty of a Class 4 felony
22 if the value of the item or items of value obtained does not
23 exceed \$150 in any 6-month period; and is guilty of a Class 3
24 felony if the value exceeds \$150 in any 6-month period.

25 (a-5) An issuer shall not provide a person who utilizes an

1 account number or code the value in any manner of any item
2 purchased with intent to defraud the issuer or a person
3 providing an item of value. If an issuer provides value in any
4 manner to a person who utilizes an account number or code of
5 the value of any item purchased with the intent to defraud the
6 issuer or a person providing an item of value, the issuer shall
7 reimburse the person providing the item of value for any loss
8 as a result of the fraud and any reasonable costs associated
9 with collecting the value of the item. If the issuer fails to
10 reimburse the person providing an item of value when the
11 issuer is required to do so under this subsection, the person
12 providing an item of value may bring a civil action against the
13 issuer for the amount of the loss and reasonable costs. The
14 trier of fact may infer that a person who utilizes an account
15 number or code intended to defraud an issuer or a person
16 providing an item of value when the person purchased an item of
17 value with an account number or code and disputed the
18 transaction, requested a reimbursement for the transaction, or
19 requested a stop-payment order on the transaction and did not
20 return the item of value to the person providing the item of
21 value.

22 (b) A person who, with intent to defraud either an issuer
23 or a person providing an item or items of value, or any other
24 person, possesses, without the consent of the issuer or
25 purported issuer, record of charge forms bearing the printed
26 impression of a credit card or debit card is guilty of a Class

1 4 felony. The trier of fact may infer intent to defraud from
2 the possession of such record of charge forms by a person other
3 than the issuer or a person authorized by the issuer to possess
4 record of charge forms.

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

6 (720 ILCS 5/33G-3)

7 (Section scheduled to be repealed on June 11, 2022)

8 Sec. 33G-3. Definitions. As used in this Article:

9 (a) "Another state" means any State of the United States
10 (other than the State of Illinois), or the District of
11 Columbia, or the Commonwealth of Puerto Rico, or any territory
12 or possession of the United States, or any political
13 subdivision, or any department, agency, or instrumentality
14 thereof.

15 (b) "Enterprise" includes:

16 (1) any partnership, corporation, association,
17 business or charitable trust, or other legal entity; and

18 (2) any group of individuals or other legal entities,
19 or any combination thereof, associated in fact although
20 not itself a legal entity. An association in fact must be
21 held together by a common purpose of engaging in a course
22 of conduct, and it may be associated together for purposes
23 that are both legal and illegal. An association in fact
24 must:

25 (A) have an ongoing organization or structure,

1 either formal or informal;

2 (B) the various members of the group must function
3 as a continuing unit, even if the group changes
4 membership by gaining or losing members over time; and

5 (C) have an ascertainable structure distinct from
6 that inherent in the conduct of a pattern of predicate
7 activity.

8 As used in this Article, "enterprise" includes licit and
9 illicit enterprises.

10 (c) "Labor organization" includes any organization, labor
11 union, craft union, or any voluntary unincorporated
12 association designed to further the cause of the rights of
13 union labor that is constituted for the purpose, in whole or in
14 part, of collective bargaining or of dealing with employers
15 concerning grievances, terms or conditions of employment, or
16 apprenticeships or applications for apprenticeships, or of
17 other mutual aid or protection in connection with employment,
18 including apprenticeships or applications for apprenticeships.

19 (d) "Operation or management" means directing or carrying
20 out the enterprise's affairs and is limited to any person who
21 knowingly serves as a leader, organizer, operator, manager,
22 director, supervisor, financier, advisor, recruiter, supplier,
23 or enforcer of an enterprise in violation of this Article.

24 (e) "Predicate activity" means any act that is a felony
25 under Section 16-25.1 of the Criminal Code of 2012 or a Class 2
26 felony or higher and constitutes a violation or violations of

1 any of the following provisions of the laws of the State of
2 Illinois (as amended or revised as of the date the activity
3 occurred or, in the instance of a continuing offense, the date
4 that charges under this Article are filed in a particular
5 matter in the State of Illinois) or any act under the law of
6 another jurisdiction for an offense that could be charged as a
7 Class 2 felony or higher in this State:

8 (1) under the Criminal Code of 1961 or the Criminal
9 Code of 2012: 8-1.2 (solicitation of murder for hire), 9-1
10 (first degree murder), 9-3.3 (drug-induced homicide), 10-1
11 (kidnapping), 10-2 (aggravated kidnapping), 10-3.1
12 (aggravated unlawful restraint), 10-4 (forcible
13 detention), 10-5(b)(10) (child abduction), 10-9
14 (trafficking in persons, involuntary servitude, and
15 related offenses), 11-1.20 (criminal sexual assault),
16 11-1.30 (aggravated criminal sexual assault), 11-1.40
17 (predatory criminal sexual assault of a child), 11-1.60
18 (aggravated criminal sexual abuse), 11-6 (indecent
19 solicitation of a child), 11-6.5 (indecent solicitation of
20 an adult), 11-14.3(a)(2)(A) and (a)(2)(B) (promoting
21 prostitution), 11-14.4 (promoting juvenile prostitution),
22 11-18.1 (patronizing a minor engaged in prostitution;
23 patronizing a juvenile prostitute), 12-3.05 (aggravated
24 battery), 12-6.4 (criminal street gang recruitment),
25 12-6.5 (compelling organization membership of persons),
26 12-7.3 (stalking), 12-7.4 (aggravated stalking), 12-7.5

1 (cyberstalking), 12-11 or 19-6 (home invasion), 12-11.1 or
2 18-6 (vehicular invasion), 18-1 (robbery; aggravated
3 robbery), 18-2 (armed robbery), 18-3 (vehicular
4 hijacking), 18-4 (aggravated vehicular hijacking), 18-5
5 (aggravated robbery), 19-1 (burglary), 19-3 (residential
6 burglary), 20-1 (arson; residential arson; place of
7 worship arson), 20-1.1 (aggravated arson), 20-1.2
8 (residential arson), 20-1.3 (place of worship arson),
9 24-1.2 (aggravated discharge of a firearm), 24-1.2-5
10 (aggravated discharge of a machine gun or silencer
11 equipped firearm), 24-1.8 (unlawful possession of a
12 firearm by a street gang member), 24-3.2 (unlawful
13 discharge of firearm projectiles), 24-3.9 (aggravated
14 possession of a stolen firearm), 24-3A (gunrunning), 26-5
15 or 48-1 (dog-fighting), 29D-14.9 (terrorism), 29D-15
16 (soliciting support for terrorism), 29D-15.1 (causing a
17 catastrophe), 29D-15.2 (possession of a deadly substance),
18 29D-20 (making a terrorist threat), 29D-25 (falsely making
19 a terrorist threat), 29D-29.9 (material support for
20 terrorism), 29D-35 (hindering prosecution of terrorism),
21 31A-1.2 (unauthorized contraband in a penal institution),
22 or 33A-3 (armed violence);

23 (2) under the Cannabis Control Act: Sections 5
24 (manufacture or delivery of cannabis), 5.1 (cannabis
25 trafficking), or 8 (production or possession of cannabis
26 plants), provided the offense either involves more than

1 500 grams of any substance containing cannabis or involves
2 more than 50 cannabis sativa plants;

3 (3) under the Illinois Controlled Substances Act:
4 Sections 401 (manufacture or delivery of a controlled
5 substance), 401.1 (controlled substance trafficking), 405
6 (calculated criminal drug conspiracy), or 405.2 (street
7 gang criminal drug conspiracy); or

8 (4) under the Methamphetamine Control and Community
9 Protection Act: Sections 15 (methamphetamine
10 manufacturing), or 55 (methamphetamine delivery).

11 (f) "Pattern of predicate activity" means:

12 (1) at least 3 occurrences of predicate activity that
13 are in some way related to each other and that have
14 continuity between them, and that are separate acts. Acts
15 are related to each other if they are not isolated events,
16 including if they have similar purposes, or results, or
17 participants, or victims, or are committed a similar way,
18 or have other similar distinguishing characteristics, or
19 are part of the affairs of the same enterprise. There is
20 continuity between acts if they are ongoing over a
21 substantial period, or if they are part of the regular way
22 some entity does business or conducts its affairs; and

23 (2) which occurs after the effective date of this
24 Article, and the last of which falls within 3 years
25 (excluding any period of imprisonment) after the first
26 occurrence of predicate activity.

1 (g) "Unlawful death" includes the following offenses:
2 under the Code of 1961 or the Criminal Code of 2012: Sections
3 9-1 (first degree murder) or 9-2 (second degree murder).

4 (Source: P.A. 97-686, eff. 6-11-12; 97-1150, eff. 1-25-13.)

5 (720 ILCS 5/33G-5)

6 (Section scheduled to be repealed on June 11, 2022)

7 Sec. 33G-5. Penalties. Under this Article, notwithstanding
8 any other provision of law:

9 (a) Any violation of subsection (a) of Section 33G-4 of
10 this Article, excluding a violation involving a felony offense
11 of organized retail crime, shall be sentenced as a Class X
12 felony with a term of imprisonment of not less than 7 years and
13 not more than 30 years, or the sentence applicable to the
14 underlying predicate activity, whichever is higher, and the
15 sentence imposed shall also include restitution, and/or a
16 criminal fine, jointly and severally, up to \$250,000 or twice
17 the gross amount of any intended proceeds of the violation, if
18 any, whichever is higher.

19 (b) Any violation of subsection (b) of Section 33G-4 of
20 this Article, excluding a violation involving a felony offense
21 of organized retail crime, shall be sentenced as a Class X
22 felony, and the sentence imposed shall also include
23 restitution, and/or a criminal fine, jointly and severally, up
24 to \$250,000 or twice the gross amount of any intended proceeds
25 of the violation, if any, whichever is higher.

1 (b-1) Any violation of subsection (a) or (b) of Section
2 33G-4 involving a felony offense of organized retail crime
3 shall be sentenced as a Class 1 felony, and the sentence
4 imposed may include restitution.

5 (c) Wherever the unlawful death of any person or persons
6 results as a necessary or natural consequence of any violation
7 of this Article, the sentence imposed on the defendant shall
8 include an enhanced term of imprisonment of at least 25 years
9 up to natural life, in addition to any other penalty imposed by
10 the court, provided:

11 (1) the death or deaths were reasonably foreseeable to
12 the defendant to be sentenced; and

13 (2) the death or deaths occurred when the defendant
14 was otherwise engaged in the violation of this Article as
15 a whole.

16 (d) A sentence of probation, periodic imprisonment,
17 conditional discharge, impact incarceration or county impact
18 incarceration, court supervision, withheld adjudication, or
19 any pretrial diversionary sentence or suspended sentence, is
20 not authorized for a violation of this Article.

21 (Source: P.A. 97-686, eff. 6-11-12; 98-463, eff. 8-16-13.)

22 (720 ILCS 5/33G-9)

23 (Section scheduled to be repealed on June 11, 2022)

24 Sec. 33G-9. Repeal. This Article is repealed on June 11,
25 2027 ~~2022~~.

1 (Source: P.A. 100-1, eff. 6-9-17.)

2 Section 2-10. The Statewide Grand Jury Act is amended by
3 changing Sections 2, 3, and 4 as follows:

4 (725 ILCS 215/2) (from Ch. 38, par. 1702)

5 Sec. 2. (a) County grand juries and State's Attorneys have
6 always had and shall continue to have primary responsibility
7 for investigating, indicting, and prosecuting persons who
8 violate the criminal laws of the State of Illinois. However,
9 in recent years organized terrorist activity directed against
10 innocent civilians and certain criminal enterprises have
11 developed that require investigation, indictment, and
12 prosecution on a statewide or multicounty level. The criminal
13 enterprises exist as a result of the allure of profitability
14 present in narcotic activity, the unlawful sale and transfer
15 of firearms, and streetgang related felonies and organized
16 terrorist activity is supported by the contribution of money
17 and expert assistance from geographically diverse sources. In
18 order to shut off the life blood of terrorism and weaken or
19 eliminate the criminal enterprises, assets, and property used
20 to further these offenses must be frozen, and any profit must
21 be removed. State statutes exist that can accomplish that
22 goal. Among them are the offense of money laundering,
23 violations of Article 29D of the Criminal Code of 1961 or the
24 Criminal Code of 2012, the Narcotics Profit Forfeiture Act,

1 and gunrunning. Local prosecutors need investigative personnel
2 and specialized training to attack and eliminate these
3 profits. In light of the transitory and complex nature of
4 conduct that constitutes these criminal activities, the many
5 diverse property interests that may be used, acquired directly
6 or indirectly as a result of these criminal activities, and
7 the many places that illegally obtained property may be
8 located, it is the purpose of this Act to create a limited,
9 multicounty Statewide Grand Jury with authority to
10 investigate, indict, and prosecute: narcotic activity,
11 including cannabis and controlled substance trafficking,
12 narcotics racketeering, money laundering, violations of the
13 Cannabis and Controlled Substances Tax Act, and violations of
14 Article 29D of the Criminal Code of 1961 or the Criminal Code
15 of 2012; the unlawful sale and transfer of firearms;
16 gunrunning; and streetgang related felonies.

17 (b) A Statewide Grand Jury may also investigate, indict,
18 and prosecute violations facilitated by the use of a computer
19 of any of the following offenses: indecent solicitation of a
20 child, sexual exploitation of a child, soliciting for a
21 juvenile prostitute, keeping a place of juvenile prostitution,
22 juvenile pimping, child pornography, aggravated child
23 pornography, or promoting juvenile prostitution except as
24 described in subdivision (a)(4) of Section 11-14.4 of the
25 Criminal Code of 1961 or the Criminal Code of 2012.

26 (c) A Statewide Grand Jury may also investigate, indict,

1 and prosecute violations of organized retail crime.

2 (Source: P.A. 101-593, eff. 12-4-19.)

3 (725 ILCS 215/3) (from Ch. 38, par. 1703)

4 Sec. 3. Written application for the appointment of a
5 Circuit Judge to convene and preside over a Statewide Grand
6 Jury, with jurisdiction extending throughout the State, shall
7 be made to the Chief Justice of the Supreme Court. Upon such
8 written application, the Chief Justice of the Supreme Court
9 shall appoint a Circuit Judge from the circuit where the
10 Statewide Grand Jury is being sought to be convened, who shall
11 make a determination that the convening of a Statewide Grand
12 Jury is necessary.

13 In such application the Attorney General shall state that
14 the convening of a Statewide Grand Jury is necessary because
15 of an alleged offense or offenses set forth in this Section
16 involving more than one county of the State and identifying
17 any such offense alleged; and

18 (a) that he or she believes that the grand jury
19 function for the investigation and indictment of the
20 offense or offenses cannot effectively be performed by a
21 county grand jury together with the reasons for such
22 belief, and

23 (b) (1) that each State's Attorney with jurisdiction
24 over an offense or offenses to be investigated has
25 consented to the impaneling of the Statewide Grand Jury,

1 or

2 (2) if one or more of the State's Attorneys having
3 jurisdiction over an offense or offenses to be
4 investigated fails to consent to the impaneling of the
5 Statewide Grand Jury, the Attorney General shall set forth
6 good cause for impaneling the Statewide Grand Jury.

7 If the Circuit Judge determines that the convening of a
8 Statewide Grand Jury is necessary, he or she shall convene and
9 impanel the Statewide Grand Jury with jurisdiction extending
10 throughout the State to investigate and return indictments:

11 (a) For violations of any of the following or for any
12 other criminal offense committed in the course of
13 violating any of the following: Article 29D of the
14 Criminal Code of 1961 or the Criminal Code of 2012, the
15 Illinois Controlled Substances Act, the Cannabis Control
16 Act, the Methamphetamine Control and Community Protection
17 Act, or the Narcotics Profit Forfeiture Act; a streetgang
18 related felony offense; Section 16-25.1, 24-2.1, 24-2.2,
19 24-3, 24-3A, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or
20 subsection 24-1(a)(4), 24-1(a)(6), 24-1(a)(7),
21 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the Criminal Code
22 of 1961 or the Criminal Code of 2012; or a money laundering
23 offense; provided that the violation or offense involves
24 acts occurring in more than one county of this State; and

25 (a-5) For violations facilitated by the use of a
26 computer, including the use of the Internet, the World

1 Wide Web, electronic mail, message board, newsgroup, or
2 any other commercial or noncommercial on-line service, of
3 any of the following offenses: indecent solicitation of a
4 child, sexual exploitation of a child, soliciting for a
5 juvenile prostitute, keeping a place of juvenile
6 prostitution, juvenile pimping, child pornography,
7 aggravated child pornography, or promoting juvenile
8 prostitution except as described in subdivision (a)(4) of
9 Section 11-14.4 of the Criminal Code of 1961 or the
10 Criminal Code of 2012; and

11 (b) For the offenses of perjury, subornation of
12 perjury, communicating with jurors and witnesses, and
13 harassment of jurors and witnesses, as they relate to
14 matters before the Statewide Grand Jury.

15 "Streetgang related" has the meaning ascribed to it in
16 Section 10 of the Illinois Streetgang Terrorism Omnibus
17 Prevention Act.

18 Upon written application by the Attorney General for the
19 convening of an additional Statewide Grand Jury, the Chief
20 Justice of the Supreme Court shall appoint a Circuit Judge
21 from the circuit for which the additional Statewide Grand Jury
22 is sought. The Circuit Judge shall determine the necessity for
23 an additional Statewide Grand Jury in accordance with the
24 provisions of this Section. No more than 2 Statewide Grand
25 Juries may be empaneled at any time.

26 (Source: P.A. 101-593, eff. 12-4-19.)

1 (725 ILCS 215/4) (from Ch. 38, par. 1704)

2 Sec. 4. (a) The presiding judge of the Statewide Grand
3 Jury will receive recommendations from the Attorney General as
4 to the county in which the Grand Jury will sit. Prior to making
5 the recommendations, the Attorney General shall obtain the
6 permission of the local State's Attorney to use his or her
7 county for the site of the Statewide Grand Jury. Upon
8 receiving the Attorney General's recommendations, the
9 presiding judge will choose one of those recommended locations
10 as the site where the Grand Jury shall sit.

11 Any indictment by a Statewide Grand Jury shall be returned
12 to the Circuit Judge presiding over the Statewide Grand Jury
13 and shall include a finding as to the county or counties in
14 which the alleged offense was committed. Thereupon, the judge
15 shall, by order, designate the county of venue for the purpose
16 of trial. The judge may also, by order, direct the
17 consolidation of an indictment returned by a county grand jury
18 with an indictment returned by the Statewide Grand Jury and
19 set venue for trial.

20 (b) Venue for purposes of trial for the offense of
21 narcotics racketeering shall be proper in any county where:

22 (1) Cannabis or a controlled substance which is the
23 basis for the charge of narcotics racketeering was used;
24 acquired; transferred or distributed to, from or through;
25 or any county where any act was performed to further the

1 use; acquisition, transfer or distribution of said
2 cannabis or controlled substance; or

3 (2) Any money, property, property interest, or any
4 other asset generated by narcotics activities was
5 acquired, used, sold, transferred or distributed to, from
6 or through; or,

7 (3) Any enterprise interest obtained as a result of
8 narcotics racketeering was acquired, used, transferred or
9 distributed to, from or through, or where any activity was
10 conducted by the enterprise or any conduct to further the
11 interests of such an enterprise.

12 (c) Venue for purposes of trial for the offense of money
13 laundering shall be proper in any county where any part of a
14 financial transaction in criminally derived property took
15 place, or in any county where any money or monetary interest
16 which is the basis for the offense, was acquired, used, sold,
17 transferred or distributed to, from, or through.

18 (d) A person who commits the offense of cannabis
19 trafficking or controlled substance trafficking may be tried
20 in any county.

21 (e) Venue for purposes of trial for any violation of
22 Article 29D of the Criminal Code of 1961 or the Criminal Code
23 of 2012 may be in the county in which an act of terrorism
24 occurs, the county in which material support or resources are
25 provided or solicited, the county in which criminal assistance
26 is rendered, or any county in which any act in furtherance of

1 any violation of Article 29D of the Criminal Code of 1961 or
2 the Criminal Code of 2012 occurs.

3 (f) Venue for purposes of trial for the offense of
4 organized retail crime shall be proper in any county where:

5 (1) any property, property interest, asset, money, or
6 thing of value that is the basis for the charge of
7 organized retail crime was used, acquired, transferred, or
8 distributed to, from, or through; or any county where any
9 act was performed to further the use, acquisition,
10 transfer, or distribution of the property, property
11 interest, asset, money, or thing or value; or

12 (2) any enterprise interest obtained as a result of
13 organized retail crime was acquired, used, transferred, or
14 distributed to, from, or through, or where any activity
15 was conducted by the enterprise or any conduct to further
16 the interests of such an enterprise.

17 If the offense of organized retail crime is committed
18 using a cell phone or the Internet, venue shall be proper in
19 any county.

20 (Source: P.A. 97-1150, eff. 1-25-13.)

21 Article 99.

22 Section 99-99. Effective date. This Act takes effect upon
23 becoming law."