

1 AMENDMENT TO SENATE BILL 950

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 950 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by  
5 changing Section 16-20 as follows:

6 (720 ILCS 5/16-20)

7 Sec. 16-20. Criminal penalties.

8 (a) Except for violations of Section 16-19 as provided  
9 for in subsection (b) or (c) of this Section, a person who  
10 violates Section 16-19 is guilty of a Class A misdemeanor.

11 (b) An offense under Section 16-19 is a Class 4 felony  
12 if:

13 (1) the defendant has been convicted previously  
14 under Section 16-19 or convicted of any similar crime in  
15 this or any federal or other state jurisdiction; or

16 (2) the violation of Section 16-19 involves at  
17 least 10, but not more than 50, unlawful communication or  
18 access devices; ~~or-~~

19 (3) a person engages in conduct identified in  
20 subdivision (3) of Section 16-19 for the purpose of, and  
21 with the intention of, substantially disrupting and  
22 impairing the ability of a communication service provider

1 to deliver communication services to its lawful customers  
2 or subscribers.

3 (c) An offense under Section 16-19 is a Class 3 felony  
4 if:

5 (1) the defendant has been convicted previously on  
6 2 or more occasions for offenses under Section 16-19 or  
7 for any similar crime in this or any federal or other  
8 state jurisdiction; or

9 (2) the violation of Section 16-19 involves more  
10 than 50 unlawful communication or access devices.

11 (d) For purposes of grading an offense based upon a  
12 prior conviction under Section 16-19 or for any similar crime  
13 under subdivisions (b)(1) and (c)(1) of this Section, a prior  
14 conviction shall consist of convictions upon separate  
15 indictments or criminal complaints for offenses under Section  
16 16-19 or any similar crime in this or any federal or other  
17 state jurisdiction.

18 (e) As provided for in subdivisions (b)(1) and (c)(1) of  
19 this Section, in grading an offense under Section 16-19 based  
20 upon a prior conviction, the term "any similar crime" shall  
21 include, but not be limited to, offenses involving theft of  
22 service or fraud, including violations of the Cable  
23 Communications Policy Act of 1984 (Public Law 98-549, 98  
24 Stat. 2779).

25 (f) Separate offenses. For purposes of all criminal  
26 penalties or fines established for violations of Section  
27 16-19, the prohibited activity established in Section 16-19  
28 as it applies to each unlawful communication or access device  
29 shall be deemed a separate offense.

30 (g) Fines. For purposes of imposing fines upon  
31 conviction of a defendant for an offense under Section 16-19,  
32 all fines shall be imposed in accordance with Article 9 of  
33 Chapter V of the Unified Code of Corrections.

34 (h) Restitution. The court shall, in addition to any

1 other sentence authorized by law, sentence a person convicted  
2 of violating Section 16-19 to make restitution in the manner  
3 provided in Article 5 of Chapter V of the Unified Code of  
4 Corrections.

5 (i) Forfeiture of unlawful communication or access  
6 devices. Upon conviction of a defendant under Section 16-19,  
7 the court may, in addition to any other sentence authorized  
8 by law, direct that the defendant forfeit any unlawful  
9 communication or access devices in the defendant's possession  
10 or control which were involved in the violation for which the  
11 defendant was convicted.

12 (j) Venue. An offense under Section 16-19 may be deemed  
13 to have been committed at either the place where the  
14 defendant manufactured or assembled an unlawful communication  
15 or access device, or assisted others in doing so, or the  
16 place where the unlawful communication or access device was  
17 sold or delivered to a purchaser or recipient. It is not a  
18 defense to a violation of Section 16-19 that some of the acts  
19 constituting the offense occurred outside of the State of  
20 Illinois.

21 (Source: P.A. 92-728, eff. 1-1-03.)

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