

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 1961 is amended by changing
5 Section 1-6 and by adding Article 16J as follows:

6 (720 ILCS 5/1-6) (from Ch. 38, par. 1-6)

7 Sec. 1-6. Place of trial.

8 (a) Generally.

9 Criminal actions shall be tried in the county where the
10 offense was committed, except as otherwise provided by law. The
11 State is not required to prove during trial that the alleged
12 offense occurred in any particular county in this State. When a
13 defendant contests the place of trial under this Section, all
14 proceedings regarding this issue shall be conducted under
15 Section 114-1 of the Code of Criminal Procedure of 1963. All
16 objections of improper place of trial are waived by a defendant
17 unless made before trial.

18 (b) Assailant and Victim in Different Counties.

19 If a person committing an offense upon the person of
20 another is located in one county and his victim is located in
21 another county at the time of the commission of the offense,
22 trial may be had in either of said counties.

23 (c) Death and Cause of Death in Different Places or
24 Undetermined.

25 If cause of death is inflicted in one county and death
26 ensues in another county, the offender may be tried in either
27 county. If neither the county in which the cause of death was
28 inflicted nor the county in which death ensued are known before
29 trial, the offender may be tried in the county where the body
30 was found.

31 (d) Offense Commenced Outside the State.

32 If the commission of an offense commenced outside the State

1 is consummated within this State, the offender shall be tried
2 in the county where the offense is consummated.

3 (e) Offenses Committed in Bordering Navigable Waters.

4 If an offense is committed on any of the navigable waters
5 bordering on this State, the offender may be tried in any
6 county adjacent to such navigable water.

7 (f) Offenses Committed while in Transit.

8 If an offense is committed upon any railroad car, vehicle,
9 watercraft or aircraft passing within this State, and it cannot
10 readily be determined in which county the offense was
11 committed, the offender may be tried in any county through
12 which such railroad car, vehicle, watercraft or aircraft has
13 passed.

14 (g) Theft.

15 A person who commits theft of property may be tried in any
16 county in which he exerted control over such property.

17 (h) Bigamy.

18 A person who commits the offense of bigamy may be tried in
19 any county where the bigamous marriage or bigamous cohabitation
20 has occurred.

21 (i) Kidnaping.

22 A person who commits the offense of kidnaping may be tried
23 in any county in which his victim has traveled or has been
24 confined during the course of the offense.

25 (j) Pandering.

26 A person who commits the offense of pandering may be tried
27 in any county in which the prostitution was practiced or in any
28 county in which any act in furtherance of the offense shall
29 have been committed.

30 (k) Treason.

31 A person who commits the offense of treason may be tried in
32 any county.

33 (l) Criminal Defamation.

34 If criminal defamation is spoken, printed or written in one
35 county and is received or circulated in another or other
36 counties, the offender shall be tried in the county where the

1 defamation is spoken, printed or written. If the defamation is
2 spoken, printed or written outside this state, or the offender
3 resides outside this state, the offender may be tried in any
4 county in this state in which the defamation was circulated or
5 received.

6 (m) Inchoate Offenses.

7 A person who commits an inchoate offense may be tried in
8 any county in which any act which is an element of the offense,
9 including the agreement in conspiracy, is committed.

10 (n) Accountability for Conduct of Another.

11 Where a person in one county solicits, aids, abets, agrees,
12 or attempts to aid another in the planning or commission of an
13 offense in another county, he may be tried for the offense in
14 either county.

15 (o) Child Abduction.

16 A person who commits the offense of child abduction may be
17 tried in any county in which his victim has traveled, been
18 detained, concealed or removed to during the course of the
19 offense. Notwithstanding the foregoing, unless for good cause
20 shown, the preferred place of trial shall be the county of the
21 residence of the lawful custodian.

22 (p) A person who commits the offense of narcotics
23 racketeering may be tried in any county where cannabis or a
24 controlled substance which is the basis for the charge of
25 narcotics racketeering was used; acquired; transferred or
26 distributed to, from or through; or any county where any act
27 was performed to further the use; acquisition, transfer or
28 distribution of said cannabis or controlled substance; any
29 money, property, property interest, or any other asset
30 generated by narcotics activities was acquired, used, sold,
31 transferred or distributed to, from or through; or, any
32 enterprise interest obtained as a result of narcotics
33 racketeering was acquired, used, transferred or distributed
34 to, from or through, or where any activity was conducted by the
35 enterprise or any conduct to further the interests of such an
36 enterprise.

1 (q) A person who commits the offense of money laundering
2 may be tried in any county where any part of a financial
3 transaction in criminally derived property took place or in any
4 county where any money or monetary instrument which is the
5 basis for the offense was acquired, used, sold, transferred or
6 distributed to, from or through.

7 (r) A person who commits the offense of cannabis
8 trafficking or controlled substance trafficking may be tried in
9 any county.

10 (s) A person who commits the offense of online sale of
11 stolen property, online theft by deception, or electronic
12 fencing may be tried in any county where any one or more
13 elements of the offense took place, regardless of whether the
14 element of the offense was the result of acts by the accused,
15 the victim or by another person, and regardless of whether the
16 defendant was ever physically present within the boundaries of
17 the county.

18 (Source: P.A. 89-288, eff. 8-11-95.)

19 (720 ILCS 5/Art. 16J heading new)

20 ARTICLE 16J. ONLINE PROPERTY OFFENSES

21 (720 ILCS 5/16J-5 new)

22 Sec. 16J-5. Definitions. In this Article:

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

26 "Computer" means a device that accepts, processes, stores,
27 retrieves or outputs data, and includes but is not limited to
28 auxiliary storage and telecommunications devices connected to
29 computers.

30 "Internet" means an interactive computer service or system
31 or an information service, system, or access software provider
32 that provides or enables computer access by multiple users to a
33 computer server, and includes, but is not limited to, an
34 information service, system, or access software provider that

1 provides access to a network system commonly known as the
2 Internet, or any comparable system or service and also
3 includes, but is not limited to, a World Wide Web page,
4 newsgroup, message board, mailing list, or chat area on any
5 interactive computer service or system or other online service.

6 "Online" means the use of any electronic or wireless device
7 to access the Internet.

8 (720 ILCS 5/16J-10 new)

9 Sec. 16J-10. Online sale of stolen property. A person
10 commits the offense of online sale of stolen property when he
11 or she uses or accesses the Internet with the intent of selling
12 property gained through unlawful means.

13 (720 ILCS 5/16J-15 new)

14 Sec. 16J-15. Online theft by deception. A person commits
15 the offense of online theft by deception when he or she uses
16 the Internet to purchase or attempt to purchase property from a
17 seller with a mode of payment that he or she knows is
18 fictitious, stolen, or lacking the consent of the valid account
19 holder.

20 (720 ILCS 5/16J-20 new)

21 Sec. 16J-20. Electronic fencing. A person commits the
22 offense of electronic fencing when he or she sells stolen
23 property using the Internet, knowing that the property was
24 stolen. A person who unknowingly purchases stolen property over
25 the Internet does not violate this Section.

26 (720 ILCS 5/16J-25 new)

27 Sec. 16J-25. Sentence. A violation of this Article is a
28 Class 4 felony if the full retail value of the stolen property
29 or property obtained by deception does not exceed \$150. A
30 violation of this Article is a Class 2 felony if the full
31 retail value of the stolen property or property obtained by
32 deception exceeds \$150.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.