

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
5 adding Section 16D-5.1 as follows:

6 (720 ILCS 5/16D-5.1 new)

7 Sec. 16D-5.1. Facilitating theft of on-line services.

8 (a) A person commits the offense of facilitating theft
9 of on-line services who knowingly:

10 (1) makes, obtains, possesses, or uses a computer
11 or other electronic device, or computer software with the
12 capability to gain unauthorized access to a commercial or
13 non-commercial on-line service or computerized web
14 intended to gather and disseminate information by
15 electronic means, and uses the electronic machinery or
16 computer software in his or her possession or use to gain
17 unauthorized access to an on-line service or information
18 web; or

19 (2) sells, distributes, gives, or otherwise
20 transfers to another, or offers, promotes, or advertises
21 a computer or electronic device or computer software with
22 the capability to gain unauthorized access to a
23 commercial or non-commercial on-line service or
24 computerized web intended to gather and disseminate
25 information by electronic means, under circumstances
26 evidencing an intent to use or employ these items, or to
27 allow them to be used or employed, for the purpose of
28 gaining unauthorized access to a commercial or
29 non-commercial on-line service or computerized web
30 intended to gather and disseminate information by
31 electronic means.

1 (b) Sentence. Facilitating theft of on-line services is
2 a Class A misdemeanor when the aggregate value of service
3 obtained is less than \$300 and a Class 4 felony when the
4 aggregate value of service obtained is \$300 or more. For a
5 second or subsequent offense, or if the person convicted of
6 the offense has been previously convicted of any similar
7 crime in this or any other state or federal jurisdiction,
8 facilitating theft of on-line services is a Class 2 felony.