

AN ACT concerning criminal law.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Article 1.

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

Section 1-5. Definitions. In this Act:

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

"High-volume third-party seller" means a participant in an online marketplace who is a third-party seller and who, in any continuous 12-month period during the previous 24 months, has entered into 200 or more discrete sales or transactions of new or unused consumer products and has an aggregate total of \$5,000 or more in gross revenue. For purposes of calculating the number of discrete sales or transactions or the aggregate

gross revenues under subsection (a) of Section 1-10, an online marketplace shall only be required to count sales or transactions made through the online marketplace and for which payment was processed by the online marketplace, either directly or through its payment processor.

"Online marketplace" means any person or entity that:

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

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

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

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

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

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

(2) a business entity that has:

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

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

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

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

Section 1-10. Online marketplace verification.

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

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

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

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

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

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

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

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

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

(c) If a high-volume third-party seller does not provide the information or certification required under this Section, the online marketplace, after providing the seller with written or electronic notice and an opportunity to provide the information or certification not later than 10 days after the issuance of the notice, shall suspend any future sales activity of the seller until the seller provides the information or certification.

(d) An online marketplace shall verify the information collected under subsection (a) no later than 10 days after the collection and shall verify any change to the information not later than 10 days after being notified of the change by a

high-volume third-party seller under subsection (b). If a high-volume third-party seller provides a copy of a valid government-issued tax document, any information contained in the document shall be presumed to be verified as of the date of issuance of the document.

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

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

(2) the physical address of the seller;

(3) the contact information of the seller including a current working phone number; a current working email address for the seller; or other means of direct electronic messaging that may be provided to the high-volume third-party seller by the online marketplace to allow for the direct, unhindered communication with high-volume third-party sellers by users of the online marketplace; and

(4) whether the high-volume third-party seller used a different seller to supply consumer products to consumers upon purchase, and, upon the request of a consumer, the

information described in paragraph (1) of this subsection (e) relating to any such seller that supplied the consumer product to the consumer, if the seller is different from the high-volume third-party seller listed on the product listing prior to purchase.

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

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

(1) If the high-volume third-party seller certifies to the online marketplace that the seller does not have a business address and only has a residential street address, or has a combined business and residential address, the online marketplace may disclose only the country and, if applicable, the state in which the high-volume third-party seller resides; and inform consumers that there is no business address available for the seller and that consumer inquiries should be submitted to the seller by phone, email, or other means of electronic messaging provided to the seller by the online

marketplace.

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

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

(h) If an online marketplace becomes aware that a high-volume third-party seller has made a false representation to the online marketplace in order to justify the provision of a partial disclosure under subsection (g) or that a high-volume third-party seller who has requested and received a provision for a partial disclosure under subsection (g) has not provided responsive answers within a reasonable time to consumer inquiries submitted to the seller by phone, email, or other means of electronic messaging provided to the seller by the online marketplace, the online marketplace shall, after providing the seller with written or electronic notice and an opportunity to respond not later than 10 days after the



issuance of the notice, suspend any future sales activity of the seller unless the seller consents to the disclosure of the identity information required under subsection (e).

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

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

(k) Information collected solely to comply with the requirements of this Section may not be used for any other purpose unless required by law. An online marketplace shall implement and maintain reasonable security procedures and practices, including administrative, physical, and technical safeguards, appropriate to the nature of the data and the purposes for which the data will be used, to protect the data collected under this Section from unauthorized use, disclosure, access, destruction, or modification. Notwithstanding anything to the contrary in this subsection,

the Attorney General may request, by subpoena or otherwise, and use any information collected to comply with the requirements of this Section to enforce the provisions of this Act as set forth in subsection (1).

(1) If the Attorney General has reason to believe that any person has violated this Act, the Attorney General may bring an action in the name of the People of the State against the person to restrain by preliminary or permanent injunction the use of such a method, act, or practice. The court, in its discretion, may exercise all powers necessary, including, but not limited to: injunction; revocation, forfeiture, or suspension of any license, charter, franchise, certificate, or other evidence of authority of any person to do business in this State; appointment of a receiver; dissolution of domestic corporations or associations or suspension or termination of the right of foreign corporations or associations to do business in this State; and restitution. In the administration of this Section, the Attorney General may accept an Assurance of Voluntary Compliance with respect to any method, act, or practice deemed to be violative of this Act from any person who has engaged in, is engaging in, or was ab to engage in such a method, act, or practice. Evidence of a violation of an Assurance of Voluntary Compliance shall be prima facie evidence of a violation of this Act in any subsequent proceeding brought by the Attorney General against the alleged violator. The Attorney General shall be empowered to issue

subpoenas to or examine under oath any person alleged to have participated in or to have knowledge of the alleged method, act, or practice in violation of this Act. Nothing in this Act creates or is intended to create a private right of action against any high-volume third-party seller, online marketplace seller, or third-party seller based upon compliance or noncompliance with its provisions.

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

Section 1-15. Organized Retail Crime Enforcement Fund.

(a) There is created in the State treasury a special fund known as the Organized Retail Crime Enforcement Fund.

(b) Subject to appropriation, moneys in the Organized Retail Crime Enforcement Fund shall be used by the Office of the Attorney General to award grants to State's Attorneys' offices and law enforcement agencies to investigate, indict, and prosecute violations of organized retail crime.

(c) Moneys received for purposes of this Section, including, but not limited to, fee receipts, gifts, grants, and awards from any public or private entity, must be deposited into the Fund.

(d) The Office of the Attorney General may use moneys in the Fund to investigate, indict, and prosecute violations of organized retail crime, for payment of awards and grants, and

for ordinary and contingent expenses and operational programs, including law enforcement purposes.

(e) The Office of the Attorney General may set requirements for application and distribution of grant moneys.

(f) As used in this Section, "organized retail crime" has the meaning provided in Section 16-25.1 of the Criminal Code of 2012.

Section 1-20. The State Finance Act is amended by adding Section 5.970 as follows:

(30 ILCS 105/5.970 new)

Sec. 5.970. The Organized Retail Crime Enforcement Fund.

## Article 2.

Section 2-5. The Criminal Code of 2012 is amended by changing Sections 16-0.1 and 17-37 and by adding Sections 16-25.1 and 16-25.2 as follows:

(720 ILCS 5/16-0.1)

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

"Access" means to use, instruct, communicate with, store data in, retrieve or intercept data from, or otherwise utilize

any services of a computer.

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

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

"Communication service" means any service lawfully provided for a charge or compensation to facilitate the lawful

origination, transmission, emission, or reception of signs, signals, data, writings, images, and sounds or intelligence of any nature by telephone, including cellular telephones or a wire, wireless, radio, electromagnetic, photo-electronic or photo-optical system; and also any service lawfully provided by any radio, telephone, cable television, fiber optic, satellite, microwave, Internet-based or wireless distribution network, system, facility or technology, including, but not limited to, any and all electronic, data, video, audio, Internet access, telephonic, microwave and radio communications, transmissions, signals and services, and any such communications, transmissions, signals and services lawfully provided directly or indirectly by or through any of those networks, systems, facilities or technologies.

"Communication service provider" means: (1) any person or entity providing any communication service, whether directly or indirectly, as a reseller, including, but not limited to, a cellular, paging or other wireless communications company or other person or entity which, for a fee, supplies the facility, cell site, mobile telephone switching office or other equipment or communication service; (2) any person or entity owning or operating any cable television, fiber optic, satellite, telephone, wireless, microwave, radio, data transmission or Internet-based distribution network, system or facility; and (3) any person or entity providing any communication service directly or indirectly by or through any

such distribution system, network or facility.

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

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

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

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

"Financial transaction device" means any of the following:

- (1) An electronic funds transfer card.
- (2) A credit card.
- (3) A debit card.
- (4) A point-of-sale card.
- (5) Any instrument, device, card, plate, code, account number, personal identification number, or a record or

copy of a code, account number, or personal identification number or other means of access to a credit account or deposit account, or a driver's license or State identification card used to access a proprietary account, other than access originated solely by a paper instrument, that can be used alone or in conjunction with another access device, for any of the following purposes:

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

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

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

"Full retail value" means the merchant's stated or advertised price of the merchandise. "Full retail value" includes the aggregate value of property obtained from retail thefts committed by the same person as part of a continuing course of conduct from one or more mercantile establishments in a single transaction or in separate transactions over a



period of one year.

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

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

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

"Library material" includes any book, plate, picture, photograph, engraving, painting, sculpture, statue, artifact, drawing, map, newspaper, pamphlet, broadside, magazine, manuscript, document, letter, microfilm, sound recording, audiovisual material, magnetic or other tape, electronic data processing record or other documentary, written or printed

material regardless of physical form or characteristics, or any part thereof, belonging to, or on loan to or otherwise in the custody of a library facility.

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

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

"Master sound recording" means the original physical object on which a given set of sounds were first recorded and

which the original object from which all subsequent sound recordings embodying the same set of sounds are directly or indirectly derived.

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

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

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

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

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

"Person with a disability" means a person who suffers from

a physical or mental impairment resulting from disease, injury, functional disorder or congenital condition that impairs the individual's mental or physical ability to independently manage his or her property or financial resources, or both.

"Personal identification document" means a birth certificate, a driver's license, a State identification card, a public, government, or private employment identification card, a social security card, a firearm owner's identification card, a credit card, a debit card, or a passport issued to or on behalf of a person other than the offender, or any document made or issued, or falsely purported to have been made or issued, by or under the authority of the United States Government, the State of Illinois, or any other state political subdivision of any state, or any other governmental or quasi-governmental organization that is of a type intended for the purpose of identification of an individual, or any such document made or altered in a manner that it falsely purports to have been made on behalf of or issued to another person or by the authority of one who did not give that authority.

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

- (1) A person's name.
- (2) A person's address.
- (3) A person's date of birth.

(4) A person's telephone number.

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

(6) A person's social security number.

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

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

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

(10) The number assigned to a person's credit or debit card, commonly known as a "Visa Card", "MasterCard", "American Express Card", "Discover Card", or other similar cards whether issued by a financial institution, corporation, or business entity.

(11) Personal identification numbers.

(12) Electronic identification numbers.

(13) Digital signals.

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

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

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

"Public water, gas, or power supply, or other public services" mean any service subject to regulation by the Illinois Commerce Commission; any service furnished by a public utility that is owned and operated by any political subdivision, public institution of higher education or municipal corporation of this State; any service furnished by any public utility that is owned by such political subdivision, public institution of higher education, or municipal corporation and operated by any of its lessees or operating agents; any service furnished by an electric cooperative as defined in Section 3.4 of the Electric Supplier Act; or wireless service or other service regulated by the Federal Communications Commission.

"Publish" means to communicate or disseminate information to any one or more persons, either orally, in person, or by

telephone, radio or television or in writing of any kind, including, without limitation, a letter or memorandum, circular or handbill, newspaper or magazine article or book.

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

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

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

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

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

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

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

"Stored value card" means any card, gift card, instrument, or device issued with or without fee for the use of the cardholder to obtain money, goods, services, or anything else of value. Stored value cards include, but are not limited to, cards issued for use as a stored value card or gift card, and an account identification number or symbol used to identify a stored value card. "Stored value card" does not include a prepaid card usable at multiple, unaffiliated merchants or at automated teller machines, or both. "Stored value card" shall only apply to Section 16-25.1 of this Act.

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

"Under-ring" means to cause the cash register or other



sales recording device to reflect less than the full retail value of the merchandise.

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

"Unlawful access device" means any type of instrument, device, machine, equipment, technology, or software which is primarily possessed, used, designed, assembled, manufactured, sold, distributed or offered, promoted or advertised for the purpose of defeating or circumventing any technology, device or software, or any component or part thereof, used by the provider, owner or licensee of any communication service or of any data, audio or video programs or transmissions to protect any such communication, audio or video services, programs or transmissions from unauthorized access, acquisition, receipt, decryption, disclosure, communication, transmission or re-transmission.

"Unlawful communication device" means any electronic serial number, mobile identification number, personal identification number or any communication or wireless device that is capable of acquiring or facilitating the acquisition of a communication service without the express consent or express authorization of the communication service provider,

or that has been altered, modified, programmed or reprogrammed, alone or in conjunction with another communication or wireless device or other equipment, to so acquire or facilitate the unauthorized acquisition of a communication service. "Unlawful communication device" also means:

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

(2) any communication or wireless device which is capable of, or has been altered, designed, modified, programmed or reprogrammed, alone or in conjunction with another communication or wireless device or devices, so as to be capable of, facilitating the disruption, acquisition, receipt, transmission or decryption of a communication service without the express consent or express authorization of the communication service provider, including, but not limited to, any device, technology, product, service, equipment, computer software or component or part thereof, primarily distributed, sold,

designed, assembled, manufactured, modified, programmed, reprogrammed or used for the purpose of providing the unauthorized receipt of, transmission of, disruption of, decryption of, access to or acquisition of any communication service provided by any communication service provider.

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

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

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

(720 ILCS 5/16-25.1 new)

Sec. 16-25.1. Organized retail crime.

(a) An individual is guilty of organized retail crime when that individual, in concert with another individual or any group of individuals, knowingly commits the act of retail theft from one or more retail mercantile establishments, and

in the course of or in furtherance of such crime or flight therefrom:

(1) knowingly commits assault as defined under Section 12-1 or battery as defined under Section 12-3(a) (2) on the premises of the retail mercantile establishment;

(2) knowingly commits a battery under Section 12-3(a) (1) on the premises of the retail mercantile establishment; or

(3) intentionally destroys or damages the property of the retail mercantile establishment.

(b) An individual is guilty of being a manager of the organized retail crime when that individual knowingly recruits, organizes, supervises, finances, or otherwise manages or directs any other individual or individuals to:

(1) commit the act of retail theft from one or more retail mercantile establishments, if the aggregate value of the merchandise exceeds \$300, and the manager or the individual has the intent to resell the merchandise or otherwise have the merchandise reenter the stream of commerce;

(2) commit theft of merchandise, the aggregate retail value of which exceeds \$300, while the merchandise is in transit from the manufacturer to the retail mercantile establishment, and the manager or the individual has the intent to resell the merchandise;

(3) obtain control over property for sale or resale,

the aggregate retail value of which exceeds \$300, knowing the property to have been stolen or under such circumstances as would reasonably induce the individual to believe that the property was stolen; or

(4) receive, possess, or purchase any merchandise or stored value cards, the aggregate retail value of which exceeds \$300, obtained from a fraudulent return with the knowledge that the property was obtained in violation of this Section or Section 16-25.

(c) If acts or omissions constituting any part of the commission of the charged offense under the Section occurred in more than one county, each county has concurrent venue. If the charged offenses under this Section occurred in more than one county, the counties may join the offenses in a single criminal pleading and have concurrent venue as to all charged offenses. When counties have concurrent venue, the first county in which a criminal complaint, information, or indictment is issued in the case becomes the county with exclusive venue. A violation of organized retail crime may be investigated, indicted, and prosecuted pursuant to the Statewide Grand Jury Act.

(d) Sentence. A violation of paragraph (1) or (3) of subsection (a) is a Class 3 felony. A violation of paragraph (2) of subsection (a) is a Class 2 felony. A violation of subsection (b) is a Class 2 felony.

(720 ILCS 5/16-25.2 new)

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

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

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

(2) to communicate with the prosecution;

(3) to be reasonably heard at any post-arraignment court proceeding in which a right of the victim is at issue and any court proceeding involving a post-arraignment release decision, plea, or sentencing;

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

(5) to have present at all court proceedings subject to the rules of evidence an advocate of the retail

mercantile establishment's choice.

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

(720 ILCS 5/17-37)

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

(a) A cardholder who uses a credit card or debit card issued to him or her, or allows another person to use a credit card or debit card issued to him or her, with intent to defraud the issuer, or a person providing an item or items of value, or any other person is guilty of a Class A misdemeanor if the value of all items of value does not exceed \$150 in any 6-month

period; and is guilty of a Class 4 felony if the value exceeds \$150 in any 6-month period.

(b) Where an investigation into an intent to defraud under subsection (a) occurs, issuers shall consider a merchant's timely submission of compelling evidence under the applicable dispute management guidelines of the card association with whom the merchant maintains an agreement. A merchant shall comply with merchant responsibilities under any such agreement.

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

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

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

Sec. 2. (a) County grand juries and State's Attorneys have always had and shall continue to have primary responsibility for investigating, indicting, and prosecuting persons who violate the criminal laws of the State of Illinois. However, in recent years organized terrorist activity directed against innocent civilians and certain criminal enterprises have developed that require investigation, indictment, and prosecution on a statewide or multicounty level. The criminal enterprises exist as a result of the allure of profitability present in narcotic activity, the unlawful sale and transfer of firearms, and streetgang related felonies and organized



terrorist activity is supported by the contribution of money and expert assistance from geographically diverse sources. In order to shut off the life blood of terrorism and weaken or eliminate the criminal enterprises, assets, and property used to further these offenses must be frozen, and any profit must be removed. State statutes exist that can accomplish that goal. Among them are the offense of money laundering, violations of Article 29D of the Criminal Code of 1961 or the Criminal Code of 2012, the Narcotics Profit Forfeiture Act, and gunrunning. Local prosecutors need investigative personnel and specialized training to attack and eliminate these profits. In light of the transitory and complex nature of conduct that constitutes these criminal activities, the many diverse property interests that may be used, acquired directly or indirectly as a result of these criminal activities, and the many places that illegally obtained property may be located, it is the purpose of this Act to create a limited, multicounty Statewide Grand Jury with authority to investigate, indict, and prosecute: narcotic activity, including cannabis and controlled substance trafficking, narcotics racketeering, money laundering, violations of the Cannabis and Controlled Substances Tax Act, and violations of Article 29D of the Criminal Code of 1961 or the Criminal Code of 2012; the unlawful sale and transfer of firearms; gunrunning; and streetgang related felonies.

(b) A Statewide Grand Jury may also investigate, indict,

and prosecute violations facilitated by the use of a computer of any of the following offenses: indecent solicitation of a child, sexual exploitation of a child, soliciting for a juvenile prostitute, keeping a place of juvenile prostitution, juvenile pimping, child pornography, aggravated child pornography, or promoting juvenile prostitution except as described in subdivision (a)(4) of Section 11-14.4 of the Criminal Code of 1961 or the Criminal Code of 2012.

(c) A Statewide Grand Jury may also investigate, indict, and prosecute violations of organized retail crime.

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

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

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

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

any such offense alleged; and

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

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

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

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

(a) For violations of any of the following or for any other criminal offense committed in the course of violating any of the following: Article 29D of the Criminal Code of 1961 or the Criminal Code of 2012, the Illinois Controlled Substances Act, the Cannabis Control Act, the Methamphetamine Control and Community Protection Act, or the Narcotics Profit Forfeiture Act; a streetgang

related felony offense; Section 16-25.1, 24-2.1, 24-2.2, 24-3, 24-3A, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the Criminal Code of 1961 or the Criminal Code of 2012; or a money laundering offense; provided that the violation or offense involves acts occurring in more than one county of this State; and

(a-5) For violations facilitated by the use of a computer, including the use of the Internet, the World Wide Web, electronic mail, message board, newsgroup, or any other commercial or noncommercial on-line service, of any of the following offenses: indecent solicitation of a child, sexual exploitation of a child, soliciting for a juvenile prostitute, keeping a place of juvenile prostitution, juvenile pimping, child pornography, aggravated child pornography, or promoting juvenile prostitution except as described in subdivision (a)(4) of Section 11-14.4 of the Criminal Code of 1961 or the Criminal Code of 2012; and

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

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

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

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

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

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

Any indictment by a Statewide Grand Jury shall be returned to the Circuit Judge presiding over the Statewide Grand Jury and shall include a finding as to the county or counties in which the alleged offense was committed. Thereupon, the judge shall, by order, designate the county of venue for the purpose of trial. The judge may also, by order, direct the

consolidation of an indictment returned by a county grand jury with an indictment returned by the Statewide Grand Jury and set venue for trial.

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

(1) Cannabis or a controlled substance which is the basis for the charge of narcotics racketeering was used; acquired; transferred or distributed to, from or through; or any county where any act was performed to further the use; acquisition, transfer or distribution of said cannabis or controlled substance; or

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

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

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

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

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

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

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

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

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

Public Act 102-0757

HB1091 Enrolled

LRB102 03105 RLC 13118 b

Article 99.

Section 99-99. Effective date. This Act takes effect upon becoming law, except that Article 1 of this Act takes effect January 1, 2023.