

Online Property Offenses

This Act creates the offenses of online sale of stolen property and online theft by deception, and the offense of electronic fencing.

Submitted as:

Illinois

Public Act 094-0179

Status: Enacted into law in 2005.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act may be cited as “An Act Concerning Online Property
2 Offenses.”

3
4 Section 2. [*Definitions.*] In this Act:

5 (a) “Access” means to use, instruct, communicate with, store data in, retrieve or intercept
6 data from, or otherwise utilize any services of a computer.

7 (b) “Computer” means a device that accepts, processes, stores, retrieves or outputs data,
8 and includes but is not limited to auxiliary storage and telecommunications devices connected to
9 computers.

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

17 (d) “Online” means the use of any electronic or wireless device to access the Internet.

18
19 Section 3. [*Online Sale Of Stolen Property.*] A person commits the offense of online sale
20 of stolen property when he or she uses or accesses the Internet with the intent of selling property
21 gained through unlawful means.

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23 Section 4. [*Online Theft By Deception.*] A person commits the offense of online theft by
24 deception when he or she uses the Internet to purchase or attempt to purchase property from a
25 seller with a mode of payment that he or she knows is fictitious, stolen, or lacking the consent of
26 the valid account holder.

27
28 Section 5. [*Electronic Fencing.*] A person commits the offense of electronic fencing
29 when he or she sells stolen property using the Internet, knowing that the property was stolen. A
30 person who unknowingly purchases stolen property over the Internet does not violate this
31 Section.

32
33 Section 6. [*Place of Trial.*] A person who commits the offense of online sale of stolen
34 property, online theft by deception, or electronic fencing may be tried in any county where any

35 one or more elements of the offense took place, regardless of whether the element of the offense
36 was the result of acts by the accused, the victim or by another person, and regardless of whether
37 the defendant was ever physically present within the boundaries of the county. All objections of
38 improper place of trial are waived by a defendant unless made before trial.

39

40 Section 7. [*Sentence.*] A violation of this Act is a [Class 4 felony] if the full retail value of
41 the stolen property or property obtained by deception does not exceed [\$150]. A violation of this
42 Act is a [Class 2 felony] if the full retail value of the stolen property or property obtained by
43 deception exceeds [\$150].

44

45 Section 8. [*Severability.*] [Insert severability clause.]

46

47 Section 9. [*Repealer.*] [Insert repealer clause.]

48

49 Section 10. [*Effective Date.*] [Insert effective date.]