



Sen. John J. Cullerton

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09600HB5640sam004

LRB096 19391 DRJ 40730 a

1 AMENDMENT TO HOUSE BILL 5640

2 AMENDMENT NO. _____. Amend House Bill 5640, AS AMENDED, by
3 inserting the following immediately before Article 95:

4 "Article 5.

5 Section 5-5. The Criminal Code of 1961 is amended: by
6 adding the headings of Subdivisions 1, 5, 10, 15, 20, 25, 30,
7 and 35 of Article 17; by adding Sections 17-0.5, 17-3.5,
8 17-5.7, 17-6.3, 17-6.5, 17-8.5, 17-10.3, 17-10.5, 17-10.6,
9 17-10.7, 17-31, 17-32, 17-33, 17-34, 17-35, 17-36, 17-37,
10 17-38, 17-39, 17-40, 17-41, 17-42, 17-43, 17-44, 17-45, 17-46,
11 17-47, 17-48, 17-49, 17-49.5, 17-55, 17-61, and 17-62; by
12 changing the heading of Article 17 and changing Sections 17-1,
13 17-1b, 17-2, 17-3, 17-5, 17-5.5, 17-6, 17-9, 17-11, 17-11.2,
14 17-13, 17-17, 17-20, 17-21, 17-24, 17-26, and 17-27; and by
15 changing and renumbering Sections 16-1.3, 16-22, 16C-2, 16D-3,
16 16D-4, 16D-5, 16D-5.5, 16D-6, 16D-7, 17-7, 17-16, 17-22, 17-28,

1 17-29, and 39-1 as follows:

2 (720 ILCS 5/Art. 17 heading)

3 ARTICLE 17. DECEPTION AND FRAUD

4 (720 ILCS 5/Art. 17, Subdiv. 1 heading new)

5 SUBDIVISION 1. GENERAL DEFINITIONS

6 (720 ILCS 5/17-0.5 new)

7 Sec. 17-0.5. Definitions. In this Article:

8 "Altered credit card or debit card" means any instrument or
9 device, whether known as a credit card or debit card, which has
10 been changed in any respect by addition or deletion of any
11 material, except for the signature by the person to whom the
12 card is issued.

13 "Cardholder" means the person or organization named on the
14 face of a credit card or debit card to whom or for whose
15 benefit the credit card or debit card is issued by an issuer.

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

20 "Computer network" means a set of related, remotely
21 connected devices and any communications facilities including
22 more than one computer with the capability to transmit data
23 between them through the communications facilities.

1 "Computer program" or "program" means a series of coded
2 instructions or statements in a form acceptable to a computer
3 which causes the computer to process data and supply the
4 results of the data processing.

5 "Computer services" means computer time or services,
6 including data processing services, Internet services,
7 electronic mail services, electronic message services, or
8 information or data stored in connection therewith.

9 "Counterfeit" means to manufacture, produce or create, by
10 any means, a credit card or debit card without the purported
11 issuer's consent or authorization.

12 "Credit card" means any instrument or device, whether known
13 as a credit card, credit plate, charge plate or any other name,
14 issued with or without fee by an issuer for the use of the
15 cardholder in obtaining money, goods, services or anything else
16 of value on credit or in consideration or an undertaking or
17 guaranty by the issuer of the payment of a check drawn by the
18 cardholder.

19 "Data" means a representation in any form of information,
20 knowledge, facts, concepts, or instructions, including program
21 documentation, which is prepared or has been prepared in a
22 formalized manner and is stored or processed in or transmitted
23 by a computer in a system or network. Data is considered
24 property and may be in any form, including, but not limited to,
25 printouts, magnetic or optical storage media, punch cards, or
26 data stored internally in the memory of the computer.

1 "Debit card" means any instrument or device, known by any
2 name, issued with or without fee by an issuer for the use of
3 the cardholder in obtaining money, goods, services, and
4 anything else of value, payment of which is made against funds
5 previously deposited by the cardholder. A debit card which also
6 can be used to obtain money, goods, services and anything else
7 of value on credit shall not be considered a debit card when it
8 is being used to obtain money, goods, services or anything else
9 of value on credit.

10 "Document" includes, but is not limited to, any document,
11 representation, or image produced manually, electronically, or
12 by computer.

13 "Electronic fund transfer terminal" means any machine or
14 device that, when properly activated, will perform any of the
15 following services:

16 (1) Dispense money as a debit to the cardholder's
17 account; or

18 (2) Print the cardholder's account balances on a
19 statement; or

20 (3) Transfer funds between a cardholder's accounts; or

21 (4) Accept payments on a cardholder's loan; or

22 (5) Dispense cash advances on an open end credit or a
23 revolving charge agreement; or

24 (6) Accept deposits to a customer's account; or

25 (7) Receive inquiries of verification of checks and
26 dispense information that verifies that funds are

1 available to cover such checks; or

2 (8) Cause money to be transferred electronically from a
3 cardholder's account to an account held by any business,
4 firm, retail merchant, corporation, or any other
5 organization.

6 "Electronic funds transfer system", hereafter referred to
7 as "EFT System", means that system whereby funds are
8 transferred electronically from a cardholder's account to any
9 other account.

10 "Electronic mail service provider" means any person who (i)
11 is an intermediary in sending or receiving electronic mail and
12 (ii) provides to end-users of electronic mail services the
13 ability to send or receive electronic mail.

14 "Expired credit card or debit card" means a credit card or
15 debit card which is no longer valid because the term on it has
16 elapsed.

17 "False academic degree" means a certificate, diploma,
18 transcript, or other document purporting to be issued by an
19 institution of higher learning or purporting to indicate that a
20 person has completed an organized academic program of study at
21 an institution of higher learning when the person has not
22 completed the organized academic program of study indicated on
23 the certificate, diploma, transcript, or other document.

24 "False claim" means any statement made to any insurer,
25 purported insurer, servicing corporation, insurance broker, or
26 insurance agent, or any agent or employee of one of those

1 entities, and made as part of, or in support of, a claim for
2 payment or other benefit under a policy of insurance, or as
3 part of, or in support of, an application for the issuance of,
4 or the rating of, any insurance policy, when the statement does
5 any of the following:

6 (1) Contains any false, incomplete, or misleading
7 information concerning any fact or thing material to the
8 claim.

9 (2) Conceals (i) the occurrence of an event that is
10 material to any person's initial or continued right or
11 entitlement to any insurance benefit or payment or (ii) the
12 amount of any benefit or payment to which the person is
13 entitled.

14 "Financial institution" means any bank, savings and loan
15 association, credit union, or other depository of money or
16 medium of savings and collective investment.

17 "Governmental entity" means: each officer, board,
18 commission, and agency created by the Constitution, whether in
19 the executive, legislative, or judicial branch of State
20 government; each officer, department, board, commission,
21 agency, institution, authority, university, and body politic
22 and corporate of the State; each administrative unit or
23 corporate outgrowth of State government that is created by or
24 pursuant to statute, including units of local government and
25 their officers, school districts, and boards of election
26 commissioners; and each administrative unit or corporate

1 outgrowth of the foregoing items and as may be created by
2 executive order of the Governor.

3 "Incomplete credit card or debit card" means a credit card
4 or debit card which is missing part of the matter other than
5 the signature of the cardholder which an issuer requires to
6 appear on the credit card or debit card before it can be used
7 by a cardholder, and this includes credit cards or debit cards
8 which have not been stamped, embossed, imprinted or written on.

9 "Institution of higher learning" means a public or private
10 college, university, or community college located in the State
11 of Illinois that is authorized by the Board of Higher Education
12 or the Illinois Community College Board to issue post-secondary
13 degrees, or a public or private college, university, or
14 community college located anywhere in the United States that is
15 or has been legally constituted to offer degrees and
16 instruction in its state of origin or incorporation.

17 "Insurance company" means "company" as defined under
18 Section 2 of the Illinois Insurance Code.

19 "Issuer" means the business organization or financial
20 institution which issues a credit card or debit card, or its
21 duly authorized agent.

22 "Merchant" has the meaning ascribed to it in Section
23 16A-2.4 of this Code.

24 "Person" means any individual, corporation, government,
25 governmental subdivision or agency, business trust, estate,
26 trust, partnership or association or any other entity.

1 "Receives" or "receiving" means acquiring possession or
2 control.

3 "Record of charge form" means any document submitted or
4 intended to be submitted to an issuer as evidence of a credit
5 transaction for which the issuer has agreed to reimburse
6 persons providing money, goods, property, services or other
7 things of value.

8 "Revoked credit card or debit card" means a credit card or
9 debit card which is no longer valid because permission to use
10 it has been suspended or terminated by the issuer.

11 "Sale" means any delivery for value.

12 "Scheme or artifice to defraud" includes a scheme or
13 artifice to deprive another of the intangible right to honest
14 services.

15 "Self-insured entity" means any person, business,
16 partnership, corporation, or organization that sets aside
17 funds to meet his, her, or its losses or to absorb fluctuations
18 in the amount of loss, the losses being charged against the
19 funds set aside or accumulated.

20 "Statement" means any assertion, oral, written, or
21 otherwise, and includes, but is not limited to: any notice,
22 letter, or memorandum; proof of loss; bill of lading; receipt
23 for payment; invoice, account, or other financial statement;
24 estimate of property damage; bill for services; diagnosis or
25 prognosis; prescription; hospital, medical, or dental chart or
26 other record, x-ray, photograph, videotape, or movie film; test

1 result; other evidence of loss, injury, or expense;
2 computer-generated document; and data in any form.

3 "Universal Price Code Label" means a unique symbol that
4 consists of a machine-readable code and human-readable
5 numbers.

6 "With intent to defraud" means to act knowingly, and with
7 the specific intent to deceive or cheat, for the purpose of
8 causing financial loss to another or bringing some financial
9 gain to oneself, regardless of whether any person was actually
10 defrauded or deceived. This includes an intent to cause another
11 to assume, create, transfer, alter, or terminate any right,
12 obligation, or power with reference to any person or property.

13 (720 ILCS 5/Art. 17, Subdiv. 5 heading new)

14 SUBDIVISION 5. DECEPTION

15 (720 ILCS 5/17-1) (from Ch. 38, par. 17-1)

16 Sec. 17-1. Deceptive practices.

17 ~~(A) Definitions.~~

18 ~~As used in this Section:~~

19 ~~(i) "Financial institution" means any bank, savings~~
20 ~~and loan association, credit union, or other depository of~~
21 ~~money, or medium of savings and collective investment.~~

22 ~~(ii) An "account holder" is any person having a~~
23 ~~checking account or savings account in a financial~~
24 ~~institution.~~

1 ~~(iii) To act with the "intent to defraud" means to act~~
2 ~~wilfully, and with the specific intent to deceive or cheat,~~
3 ~~for the purpose of causing financial loss to another, or to~~
4 ~~bring some financial gain to oneself. It is not necessary~~
5 ~~to establish that any person was actually defrauded or~~
6 ~~deceived.~~

7 (A) ~~(B)~~ General deception ~~Deception~~.

8 A person commits a deceptive practice when, with intent to
9 defraud, the person does any of the following:

10 (1) ~~(a)~~ He or she knowingly causes another, by
11 deception or threat, to execute a document disposing of
12 property or a document by which a pecuniary obligation is
13 incurred.

14 (2) ~~(b)~~ Being an officer, manager or other person
15 participating in the direction of a financial institution,
16 he or she knowingly receives or permits the receipt of a
17 deposit or other investment, knowing that the institution
18 is insolvent.

19 (3) ~~(c)~~ He or she knowingly makes ~~or directs another to~~
20 ~~make~~ a false or deceptive statement addressed to the public
21 for the purpose of promoting the sale of property or
22 services.

23 (B) Bad checks.

24 A person commits a deceptive practice when:

1 (1) ~~(d)~~ With intent to obtain control over property or
2 to pay for property, labor or services of another, or in
3 satisfaction of an obligation for payment of tax under the
4 Retailers' Occupation Tax Act or any other tax due to the
5 State of Illinois, he or she issues or delivers a check or
6 other order upon a real or fictitious depository for the
7 payment of money, knowing that it will not be paid by the
8 depository. The trier of fact may infer that the defendant
9 knows that the check or other order will not be paid by the
10 depository and that the defendant has acted with intent to
11 defraud when the defendant fails ~~Failure~~ to have sufficient
12 funds or credit with the depository when the check or other
13 order is issued or delivered, or when such check or other
14 order is presented for payment and dishonored on each of 2
15 occasions at least 7 days apart, ~~is prima facie evidence~~
16 ~~that the offender knows that it will not be paid by the~~
17 ~~depository, and that he or she has the intent to defraud.~~
18 In this paragraph (B) (1) ~~(d)~~, "property" includes rental
19 property (real or personal).

20 (2) ~~(e)~~ He or she issues or delivers a check or other
21 order upon a real or fictitious depository in an amount
22 exceeding \$150 in payment of an amount owed on any credit
23 transaction for property, labor or services, or in payment
24 of the entire amount owed on any credit transaction for
25 property, labor or services, knowing that it will not be
26 paid by the depository, and thereafter fails to provide

1 funds or credit with the depository in the face amount of
2 the check or order within 7 days of receiving actual notice
3 from the depository or payee of the dishonor of the check
4 or order.

5 ~~Sentence.~~

6 ~~A person convicted of a deceptive practice under paragraph~~
7 ~~(a), (b), (c), (d), or (e) of this subsection (B), except as~~
8 ~~otherwise provided by this Section, is guilty of a Class A~~
9 ~~misdemeanor.~~

10 ~~A person convicted of a deceptive practice in violation of~~
11 ~~paragraph (d) a second or subsequent time shall be guilty of a~~
12 ~~Class 4 felony.~~

13 ~~A person convicted of deceptive practices in violation of~~
14 ~~paragraph (d), when the value of the property so obtained, in a~~
15 ~~single transaction, or in separate transactions within a 90 day~~
16 ~~period, exceeds \$150, shall be guilty of a Class 4 felony. In~~
17 ~~the case of a prosecution for separate transactions totaling~~
18 ~~more than \$150 within a 90 day period, such separate~~
19 ~~transactions shall be alleged in a single charge and provided~~
20 ~~in a single prosecution.~~

21 (C) Bank-related fraud ~~Deception on a Bank or Other Financial~~
22 ~~Institution.~~

23 (1) False statement ~~Statements.~~

24 A person commits false statement bank fraud if he or she
25 ~~Any person who, with the intent to defraud, makes or causes to~~

1 be made any false statement in writing in order to obtain an
2 account with a bank or other financial institution, or to
3 obtain credit from a bank or other financial institution, or to
4 obtain services from a currency exchange, knowing such writing
5 to be false, and with the intent that it be relied upon, ~~is~~
6 ~~guilty of a Class A misdemeanor.~~

7 For purposes of this subsection (C), a false statement
8 means ~~shall mean~~ any false statement representing identity,
9 address, or employment, or the identity, address, or employment
10 of any person, firm, or corporation.

11 (2) Possession of stolen or fraudulently obtained checks
12 ~~Stolen or Fraudulently Obtained Checks.~~

13 A person commits possession of stolen or fraudulently
14 obtained checks when he or she ~~Any person who~~ possesses, with
15 the intent to obtain access to funds of another person held in
16 a real or fictitious deposit account at a financial
17 institution, makes a false statement or a misrepresentation to
18 the financial institution, or possesses, transfers,
19 negotiates, or presents for payment a check, draft, or other
20 item purported to direct the financial institution to withdraw
21 or pay funds out of the account holder's deposit account with
22 knowledge that such possession, transfer, negotiation, or
23 presentment is not authorized by the account holder or the
24 issuing financial institution ~~is guilty of a Class A~~
25 ~~misdemeanor.~~ A person shall be deemed to have been authorized
26 to possess, transfer, negotiate, or present for payment such

1 item if the person was otherwise entitled by law to withdraw or
2 recover funds from the account in question and followed the
3 requisite procedures under the law. If ~~In the event that~~ the
4 account holder, upon discovery of the withdrawal or payment,
5 claims that the withdrawal or payment was not authorized, the
6 financial institution may require the account holder to submit
7 an affidavit to that effect on a form satisfactory to the
8 financial institution before the financial institution may be
9 required to credit the account in an amount equal to the amount
10 or amounts that were withdrawn or paid without authorization.

11 ~~Any person who, within any 12 month period, violates this~~
12 ~~Section with respect to 3 or more checks or orders for the~~
13 ~~payment of money at the same time or consecutively, each the~~
14 ~~property of a different account holder or financial~~
15 ~~institution, is guilty of a Class 4 felony.~~

16 (3) Possession of implements of check fraud ~~Implements of~~
17 ~~Check Fraud.~~

18 A person commits possession of implements of check fraud
19 when he or she ~~Any person who~~ possesses, with the intent to
20 defraud and without the authority of the account holder or
21 financial institution, any check imprinter, signature
22 imprinter, or "certified" stamp ~~is guilty of a Class A~~
23 ~~misdemeanor.~~

24 (D) Sentence.

25 (1) The commission of a deceptive practice in violation

1 of this Section, except as otherwise provided by this
2 subsection (D), is a Class A misdemeanor.

3 (2) For purposes of paragraph (B) (1):

4 (a) The commission of a deceptive practice in
5 violation of paragraph (B) (1) a second or subsequent
6 time is a Class 4 felony.

7 (b) The commission of a deceptive practice in
8 violation of paragraph (B) (1), when the value of the
9 property so obtained, in a single transaction or in
10 separate transactions within a 90-day period, exceeds
11 \$150, is a Class 4 felony. In the case of a prosecution
12 for separate transactions totaling more than \$150
13 within a 90-day period, those separate transactions
14 shall be alleged in a single charge and prosecuted in a
15 single prosecution.

16 (3) For purposes of paragraph (C) (2), a person who,
17 within any 12-month period, violates paragraph (C) (2) with
18 respect to 3 or more checks or orders for the payment of
19 money at the same time or consecutively, each the property
20 of a different account holder or financial institution, is
21 guilty of a Class 4 felony.

22 (4) For purposes of paragraph (C) (3), a person who
23 within any 12-month period violates paragraph (C) (3) as to
24 possession of 3 or more such devices at the same time or
25 consecutively is guilty of a Class 4 felony.

1 (E) Civil liability. A person who issues a check or order
2 to a payee in violation of paragraph (B)(1) and who fails to
3 pay the amount of the check or order to the payee within 30
4 days following either delivery and acceptance by the addressee
5 of a written demand both by certified mail and by first class
6 mail to the person's last known address or attempted delivery
7 of a written demand sent both by certified mail and by first
8 class mail to the person's last known address and the demand by
9 certified mail is returned to the sender with a notation that
10 delivery was refused or unclaimed shall be liable to the payee
11 or a person subrogated to the rights of the payee for, in
12 addition to the amount owing upon such check or order, damages
13 of treble the amount so owing, but in no case less than \$100
14 nor more than \$1,500, plus attorney's fees and court costs. An
15 action under this subsection (E) may be brought in small claims
16 court or in any other appropriate court. As part of the written
17 demand required by this subsection (E), the plaintiff shall
18 provide written notice to the defendant of the fact that prior
19 to the hearing of any action under this subsection (E), the
20 defendant may tender to the plaintiff and the plaintiff shall
21 accept, as satisfaction of the claim, an amount of money equal
22 to the sum of the amount of the check and the incurred court
23 costs, including the cost of service of process, and attorney's
24 fees.

25 ~~A person who within any 12 month period violates this~~
26 ~~subsection (C) as to possession of 3 or more such devices at~~

1 ~~the same time or consecutively, is guilty of a Class 4 felony.~~

2 ~~(4) Possession of Identification Card.~~

3 ~~Any person who, with the intent to defraud, possesses any~~
4 ~~check guarantee card or key card or identification card for~~
5 ~~cash dispensing machines without the authority of the account~~
6 ~~holder or financial institution is guilty of a Class A~~
7 ~~misdemeanor.~~

8 ~~A person who, within any 12 month period, violates this~~
9 ~~Section at the same time or consecutively with respect to 3 or~~
10 ~~more cards, each the property of different account holders, is~~
11 ~~guilty of a Class 4 felony.~~

12 ~~A person convicted under this Section, when the value of~~
13 ~~property so obtained, in a single transaction, or in separate~~
14 ~~transactions within any 90 day period, exceeds \$150 shall be~~
15 ~~guilty of a Class 4 felony.~~

16 (Source: P.A. 94-872, eff. 6-16-06.)

17 (720 ILCS 5/17-1b)

18 Sec. 17-1b. State's Attorney's bad check diversion
19 program.

20 (a) In this Section:

21 "Offender" means a person charged with, or for whom
22 probable cause exists to charge the person with, deceptive
23 practices.

24 "Pretrial diversion" means the decision of a prosecutor to
25 refer an offender to a diversion program on condition that the

1 criminal charges against the offender will be dismissed after a
2 specified period of time, or the case will not be charged, if
3 the offender successfully completes the program.

4 "Restitution" means all amounts payable to a victim of
5 deceptive practices under the bad check diversion program
6 created under this Section, including the amount of the check
7 and any transaction fees payable to a victim as set forth in
8 subsection (g) but does not include amounts recoverable under
9 Section 3-806 of the Uniform Commercial Code and subsection (E)
10 of Section 17-1 ~~17-1a~~ of this Code.

11 (b) A State's Attorney may create within his or her office
12 a bad check diversion program for offenders who agree to
13 voluntarily participate in the program instead of undergoing
14 prosecution. The program may be conducted by the State's
15 Attorney or by a private entity under contract with the State's
16 Attorney. If the State's Attorney contracts with a private
17 entity to perform any services in operating the program, the
18 entity shall operate under the supervision, direction, and
19 control of the State's Attorney. Any private entity providing
20 services under this Section is not a "collection agency" as
21 that term is defined under the Collection Agency Act.

22 (c) If an offender is referred to the State's Attorney, the
23 State's Attorney may determine whether the offender is
24 appropriate for acceptance in the program. The State's Attorney
25 may consider, but shall not be limited to consideration of, the
26 following factors:

- 1 (1) the amount of the check that was drawn or passed;
- 2 (2) prior referrals of the offender to the program;
- 3 (3) whether other charges of deceptive practices are
- 4 pending against the offender;
- 5 (4) the evidence presented to the State's Attorney
- 6 regarding the facts and circumstances of the incident;
- 7 (5) the offender's criminal history; and
- 8 (6) the reason the check was dishonored by the
- 9 financial institution.
- 10 (d) The bad check diversion program may require an offender
- 11 to do one or more of the following:
- 12 (i) pay for, at his or her own expense, and
- 13 successfully complete an educational class held by the
- 14 State's Attorney or a private entity under contract with
- 15 the State's Attorney;
- 16 (ii) make full restitution for the offense;
- 17 (iii) pay a per-check administrative fee as set forth
- 18 in this Section.
- 19 (e) If an offender is diverted to the program, the State's
- 20 Attorney shall agree in writing not to prosecute the offender
- 21 upon the offender's successful completion of the program
- 22 conditions. The State's Attorney's agreement to divert the
- 23 offender shall specify the offenses that will not be prosecuted
- 24 by identifying the checks involved in the transactions.
- 25 (f) The State's Attorney, or private entity under contract
- 26 with the State's Attorney, may collect a fee from an offender

1 diverted to the State's Attorney's bad check diversion program.
2 This fee may be deposited in a bank account maintained by the
3 State's Attorney for the purpose of depositing fees and paying
4 the expenses of the program or for use in the enforcement and
5 prosecution of criminal laws. The State's Attorney may require
6 that the fee be paid directly to a private entity that
7 administers the program under a contract with the State's
8 Attorney. The amount of the administrative fees collected by
9 the State's Attorney under the program may not exceed \$35 per
10 check. The county board may, however, by ordinance, increase
11 the fees allowed by this Section if the increase is justified
12 by an acceptable cost study showing that the fees allowed by
13 this Section are not sufficient to cover the cost of providing
14 the service.

15 (g) (1) The private entity shall be required to maintain
16 adequate general liability insurance of \$1,000,000 per
17 occurrence as well as adequate coverage for potential loss
18 resulting from employee dishonesty. The State's Attorney
19 may require a surety bond payable to the State's Attorney
20 if in the State's Attorney's opinion it is determined that
21 the private entity is not adequately insured or funded.

22 (2) (A) Each private entity that has a contract with
23 the State's Attorney to conduct a bad check diversion
24 program shall at all times maintain a separate bank
25 account in which all moneys received from the offenders
26 participating in the program shall be deposited,

1 referred to as a "trust account" ~~"Trust Account"~~,
2 except that negotiable instruments received may be
3 forwarded directly to a victim of the deceptive
4 practice committed by the offender if that procedure is
5 provided for by a writing executed by the victim.
6 Moneys received shall be so deposited within 5 business
7 days after posting to the private entity's books of
8 account. There shall be sufficient funds in the trust
9 account at all times to pay the victims the amount due
10 them.

11 (B) The trust account shall be established in a
12 financial institution ~~bank, savings and loan~~
13 ~~association, or other recognized depository~~ which is
14 federally or State insured or otherwise secured as
15 defined by rule. If the account is interest bearing,
16 the private entity shall pay to the victim interest
17 earned on funds on deposit after the 60th day.

18 (C) Each private entity shall keep on file the name
19 of the financial institution ~~bank, savings and loan~~
20 ~~association, or other recognized depository~~ in which
21 each trust account is maintained, the name of each
22 trust account, and the names of the persons authorized
23 to withdraw funds from each account. The private
24 entity, within 30 days of the time of a change of
25 depository or person authorized to make withdrawal,
26 shall update its files to reflect that change. An

1 examination and audit of a private entity's trust
2 accounts may be made by the State's Attorney as the
3 State's Attorney deems appropriate. A trust account
4 financial report shall be submitted annually on forms
5 acceptable to the State's Attorney.

6 (3) The State's Attorney may cancel a contract entered
7 into with a private entity under this Section for any one
8 or any combination of the following causes:

9 (A) Conviction of the private entity or the
10 principals of the private entity of any crime under the
11 laws of any U.S. jurisdiction which is a felony, a
12 misdemeanor an essential element of which is
13 dishonesty, or of any crime which directly relates to
14 the practice of the profession.

15 (B) A determination that the private entity has
16 engaged in conduct prohibited in item (4).

17 (4) The State's Attorney may determine whether the
18 private entity has engaged in the following prohibited
19 conduct:

20 (A) Using or threatening to use force or violence
21 to cause physical harm to an offender, his or her
22 family, or his or her property.

23 (B) Threatening the seizure, attachment, or sale
24 of an offender's property where such action can only be
25 taken pursuant to court order without disclosing that
26 prior court proceedings are required.

1 (C) Disclosing or threatening to disclose
2 information adversely affecting an offender's
3 reputation for creditworthiness with knowledge the
4 information is false.

5 (D) Initiating or threatening to initiate
6 communication with an offender's employer unless there
7 has been a default of the payment of the obligation for
8 at least 30 days and at least 5 days prior written
9 notice, to the last known address of the offender, of
10 the intention to communicate with the employer has been
11 given to the employee, except as expressly permitted by
12 law or court order.

13 (E) Communicating with the offender or any member
14 of the offender's family at such a time of day or night
15 and with such frequency as to constitute harassment of
16 the offender or any member of the offender's family.
17 For purposes of this clause (E) the following conduct
18 shall constitute harassment:

19 (i) Communicating with the offender or any
20 member of his or her family at any unusual time or
21 place or a time or place known or which should be
22 known to be inconvenient to the offender. In the
23 absence of knowledge of circumstances to the
24 contrary, a private entity shall assume that the
25 convenient time for communicating with a consumer
26 is after 8 o'clock a.m. and before 9 o'clock p.m.

1 local time at the offender's residence.

2 (ii) The threat of publication or publication
3 of a list of offenders who allegedly refuse to pay
4 restitution, except by the State's Attorney.

5 (iii) The threat of advertisement or
6 advertisement for sale of any restitution to
7 coerce payment of the restitution.

8 (iv) Causing a telephone to ring or engaging
9 any person in telephone conversation repeatedly or
10 continuously with intent to annoy, abuse, or
11 harass any person at the called number.

12 (v) Using profane, obscene or abusive language
13 in communicating with an offender, his or her
14 family, or others.

15 (vi) Disclosing or threatening to disclose
16 information relating to a offender's case to any
17 other person except the victim and appropriate law
18 enforcement personnel.

19 (vii) Disclosing or threatening to disclose
20 information concerning the alleged criminal act
21 which the private entity knows to be reasonably
22 disputed by the offender without disclosing the
23 fact that the offender disputes the accusation.

24 (viii) Engaging in any conduct which the
25 State's Attorney finds was intended to cause and
26 did cause mental or physical illness to the

1 offender or his or her family.

2 (ix) Attempting or threatening to enforce a
3 right or remedy with knowledge or reason to know
4 that the right or remedy does not exist.

5 (x) Except as authorized by the State's
6 Attorney, using any form of communication which
7 simulates legal or judicial process or which gives
8 the appearance of being authorized, issued or
9 approved by a governmental agency or official or by
10 an attorney at law when it is not.

11 (xi) Using any badge, uniform, or other
12 indicia of any governmental agency or official,
13 except as authorized by law or by the State's
14 Attorney.

15 (xii) Except as authorized by the State's
16 Attorney, conducting business under any name or in
17 any manner which suggests or implies that the
18 private entity is bonded if such private entity is
19 or is a branch of or is affiliated with any
20 governmental agency or court if such private
21 entity is not.

22 (xiii) Misrepresenting the amount of the
23 restitution alleged to be owed.

24 (xiv) Except as authorized by the State's
25 Attorney, representing that an existing
26 restitution amount may be increased by the

1 addition of attorney's fees, investigation fees,
2 or any other fees or charges when those fees or
3 charges may not legally be added to the existing
4 restitution.

5 (xv) Except as authorized by the State's
6 Attorney, representing that the private entity is
7 an attorney at law or an agent for an attorney if
8 the entity is not.

9 (xvi) Collecting or attempting to collect any
10 interest or other charge or fee in excess of the
11 actual restitution or claim unless the interest or
12 other charge or fee is expressly authorized by the
13 State's Attorney, who shall determine what
14 constitutes a reasonable collection fee.

15 (xvii) Communicating or threatening to
16 communicate with an offender when the private
17 entity is informed in writing by an attorney that
18 the attorney represents the offender concerning
19 the claim, unless authorized by the attorney. If
20 the attorney fails to respond within a reasonable
21 period of time, the private entity may communicate
22 with the offender. The private entity may
23 communicate with the offender when the attorney
24 gives his consent.

25 (xviii) Engaging in dishonorable, unethical,
26 or unprofessional conduct of a character likely to

1 deceive, defraud, or harm the public.

2 (5) The State's Attorney shall audit the accounts of
3 the bad check diversion program after notice in writing to
4 the private entity.

5 (6) Any information obtained by a private entity that
6 has a contract with the State's Attorney to conduct a bad
7 check diversion program is confidential information
8 between the State's Attorney and the private entity and may
9 not be sold or used for any other purpose but may be shared
10 with other authorized law enforcement agencies as
11 determined by the State's Attorney.

12 (h) The State's Attorney, or private entity under contract
13 with the State's Attorney, shall recover, in addition to the
14 face amount of the dishonored check or draft, a transaction fee
15 to defray the costs and expenses incurred by a victim who
16 received a dishonored check that was made or delivered by the
17 offender. The face amount of the dishonored check or draft and
18 the transaction fee shall be paid by the State's Attorney or
19 private entity under contract with the State's Attorney to the
20 victim as restitution for the offense. The amount of the
21 transaction fee must not exceed: \$25 if the face amount of the
22 check or draft does not exceed \$100; \$30 if the face amount of
23 the check or draft is greater than \$100 but does not exceed
24 \$250; \$35 if the face amount of the check or draft is greater
25 than \$250 but does not exceed \$500; \$40 if the face amount of
26 the check or draft is greater than \$500 but does not exceed

1 \$1,000; and \$50 if the face amount of the check or draft is
2 greater than \$1,000.

3 (i) The offender, if aggrieved by an action of the private
4 entity contracted to operate a bad check diversion program, may
5 submit a grievance to the State's Attorney who may then resolve
6 the grievance. The private entity must give notice to the
7 offender that the grievance procedure is available. The
8 grievance procedure shall be established by the State's
9 Attorney.

10 (Source: P.A. 95-41, eff. 1-1-08.)

11 (720 ILCS 5/17-2) (from Ch. 38, par. 17-2)

12 Sec. 17-2. False personation; ~~use of title;~~ solicitation;
13 ~~certain entities.~~

14 (a) False personation; solicitation.

15 (1) A person commits a false personation when he or she
16 knowingly and falsely represents himself or herself to be a
17 member or representative of any veterans' or public safety
18 personnel organization or a representative of any
19 charitable organization, or when he or she knowingly ~~any~~
20 ~~person~~ exhibits or uses in any manner any decal, badge or
21 insignia of any charitable, public safety personnel, or
22 veterans' organization when not authorized to do so by the
23 charitable, public safety personnel, or veterans'
24 organization. "Public safety personnel organization" has
25 the meaning ascribed to that term in Section 1 of the

1 Solicitation for Charity Act.

2 (2) ~~(a-5)~~ A person commits a false personation when he
3 or she knowingly and falsely represents himself or herself
4 to be a veteran in seeking employment or public office. In
5 this paragraph subsection, "veteran" means a person who has
6 served in the Armed Services or Reserve Forces of the
7 United States.

8 ~~(a-6) A person commits a false personation when he or she~~
9 ~~falsely represents himself or herself to be a recipient of, or~~
10 ~~wears on his or her person, any of the following medals if that~~
11 ~~medal was not awarded to that person by the United States~~
12 ~~government, irrespective of branch of service: the~~
13 ~~Congressional Medal of Honor, the Distinguished Service Cross,~~
14 ~~the Navy Cross, the Air Force Cross, the Silver Star, the~~
15 ~~Bronze Star, or the Purple Heart.~~

16 ~~It is a defense to a prosecution under this subsection~~
17 ~~(a-6) that the medal is used, or is intended to be used,~~
18 ~~exclusively:~~

19 ~~(1) for a dramatic presentation, such as a theatrical,~~
20 ~~film, or television production, or a historical~~
21 ~~re-enactment; or~~

22 ~~(2) for a costume worn, or intended to be worn, by a~~
23 ~~person under 18 years of age.~~

24 (3) ~~(b)~~ No person shall knowingly use the words
25 "Chicago Police", "Chicago Police Department", "Chicago
26 Patrolman", "Chicago Sergeant", "Chicago Lieutenant",

1 ~~"Chicago~~ Peace Officer", "Sheriff's Police", "Sheriff",
2 "Officer", "Law Enforcement", "Trooper", "Deputy", "Deputy
3 Sheriff", "State Police", or any other words to the same
4 effect (i) in the title of any organization, magazine, or
5 other publication without the express approval of the named
6 public safety personnel organization's governing board or
7 (ii) in combination with the name of any state, state
8 agency, public university, or unit of local government
9 without the express written authorization of that state,
10 state agency, public university, or unit of local
11 government ~~Chicago Police Board.~~

12 ~~(b-5) No person shall use the words "Cook County Sheriff's~~
13 ~~Police" or "Cook County Sheriff" or any other words to the same~~
14 ~~effect in the title of any organization, magazine, or other~~
15 ~~publication without the express approval of the office of the~~
16 ~~Cook County Sheriff's Merit Board. The references to names and~~
17 ~~titles in this Section may not be construed as authorizing use~~
18 ~~of the names and titles of other organizations or public safety~~
19 ~~personnel organizations otherwise prohibited by this Section~~
20 ~~or the Solicitation for Charity Act.~~

21 ~~(b-10) No person may use, in the title of any organization,~~
22 ~~magazine, or other publication, the words "officer", "peace~~
23 ~~officer", "police", "law enforcement", "trooper", "sheriff",~~
24 ~~"deputy", "deputy sheriff", or "state police" in combination~~
25 ~~with the name of any state, state agency, public university, or~~
26 ~~unit of local government without the express written~~

1 ~~authorization of that state, state agency, or unit of local~~
2 ~~government.~~

3 ~~(e) (Blank).~~

4 (4) ~~(e-1)~~ No person may knowingly claim or represent
5 that he or she is acting on behalf of any public safety
6 personnel organization ~~police department, chief of a~~
7 ~~police department, fire department, chief of a fire~~
8 ~~department, sheriff's department, or sheriff~~ when
9 soliciting financial contributions or selling or
10 delivering or offering to sell or deliver any merchandise,
11 goods, services, memberships, or advertisements unless the
12 chief of the police department, fire department, and the
13 corporate or municipal authority thereof, or the sheriff
14 has first entered into a written agreement with the person
15 or with an organization with which the person is affiliated
16 and the agreement permits the activity and specifies and
17 states clearly and fully the purpose for which the proceeds
18 of the solicitation, contribution, or sale will be used.

19 (5) ~~(e-2)~~ No person, when soliciting financial
20 contributions or selling or delivering or offering to sell
21 or deliver any merchandise, goods, services, memberships,
22 or advertisements may claim or represent that he or she is
23 representing or acting on behalf of any nongovernmental
24 organization by any name which includes "officer", "peace
25 officer", "police", "law enforcement", "trooper",
26 "sheriff", "deputy", "deputy sheriff", "State police", or

1 any other word or words which would reasonably be
2 understood to imply that the organization is composed of
3 law enforcement personnel unless:

4 (A) the person is actually representing or acting
5 on behalf of the nongovernmental organization; ~~and~~

6 (B) the nongovernmental organization is controlled
7 by and governed by a membership of and represents a
8 group or association of active duty peace officers,
9 retired peace officers, or injured peace officers; and

10 (C) before commencing the solicitation or the sale
11 or the offers to sell any merchandise, goods, services,
12 memberships, or advertisements, a written contract
13 between the soliciting or selling person and the
14 nongovernmental organization, which specifies and
15 states clearly and fully the purposes for which the
16 proceeds of the solicitation, contribution, or sale
17 will be used, has been entered into.

18 ~~(c 3) No person may solicit financial contributions or sell~~
19 ~~or deliver or offer to sell or deliver any merchandise, goods,~~
20 ~~services, memberships, or advertisements on behalf of a police,~~
21 ~~sheriff, or other law enforcement department unless that person~~
22 ~~is actually representing or acting on behalf of the department~~
23 ~~or governmental organization and has entered into a written~~
24 ~~contract with the police chief, or head of the law enforcement~~
25 ~~department, and the corporate or municipal authority thereof,~~
26 ~~or the sheriff, which specifies and states clearly and fully~~

1 ~~the purposes for which the proceeds of the solicitation,~~
2 ~~contribution, or sale will be used.~~

3 (6) ~~(e-4)~~ No person, when soliciting financial
4 contributions or selling or delivering or offering to sell
5 or deliver any merchandise, goods, services, memberships,
6 or advertisements, may knowingly claim or represent that he
7 or she is representing or acting on behalf of any
8 nongovernmental organization by any name which includes
9 the term "fireman", "fire fighter", "paramedic", or any
10 other word or words which would reasonably be understood to
11 imply that the organization is composed of fire fighter or
12 paramedic personnel unless:

13 (A) the person is actually representing or acting
14 on behalf of the nongovernmental organization;~~;~~ and

15 (B) the nongovernmental organization is controlled
16 by and governed by a membership of and represents a
17 group or association of active duty, retired, or
18 injured fire fighters (for the purposes of this
19 Section, "fire fighter" has the meaning ascribed to
20 that term in Section 2 of the Illinois Fire Protection
21 Training Act) or active duty, retired, or injured
22 emergency medical technicians - ambulance, emergency
23 medical technicians - intermediate, emergency medical
24 technicians - paramedic, ambulance drivers, or other
25 medical assistance or first aid personnel;~~;~~ and

26 (C) before commencing the solicitation or the sale

1 or delivery or the offers to sell or deliver any
2 merchandise, goods, services, memberships, or
3 advertisements, the soliciting or selling person and
4 the nongovernmental organization have entered into a
5 written contract that specifies and states clearly and
6 fully the purposes for which the proceeds of the
7 solicitation, contribution, or sale will be used ~~a~~
8 ~~written contract between the soliciting or selling~~
9 ~~person and the nongovernmental organization has been~~
10 ~~entered into.~~

11 ~~(e-5) No person may solicit financial contributions or sell~~
12 ~~or deliver or offer to sell or deliver any merchandise, goods,~~
13 ~~services, memberships, or advertisements on behalf of a~~
14 ~~department or departments of fire fighters unless that person~~
15 ~~is actually representing or acting on behalf of the department~~
16 ~~or departments and has entered into a written contract with the~~
17 ~~department chief and corporate or municipal authority thereof~~
18 ~~which specifies and states clearly and fully the purposes for~~
19 ~~which the proceeds of the solicitation, contribution, or sale~~
20 ~~will be used.~~

21 (7) ~~(e-6)~~ No person may knowingly claim or represent
22 that he or she is an airman, airline employee, airport
23 employee, or contractor at an airport in order to obtain
24 the uniform, identification card, license, or other
25 identification paraphernalia of an airman, airline
26 employee, airport employee, or contractor at an airport.

1 (8) No person, firm, copartnership, or corporation
2 (except corporations organized and doing business under
3 the Pawners Societies Act) shall knowingly use a name that
4 contains in it the words "Pawners' Society".

5 (b) False personation; judicial process. A person commits a
6 false personation if he or she knowingly and falsely represents
7 himself or herself to be any of the following:

8 (1) An attorney authorized to practice law for purposes
9 of compensation or consideration. This paragraph (b) (1)
10 does not apply to a person who unintentionally fails to pay
11 attorney registration fees established by Supreme Court
12 Rule.

13 (2) A public officer or a public employee or an
14 official or employee of the federal government.

15 (2.3) A public officer, a public employee, or an
16 official or employee of the federal government, and the
17 false representation is made in furtherance of the
18 commission of felony.

19 (2.7) A public officer or a public employee, and the
20 false representation is for the purpose of effectuating
21 identity theft as defined in Section 16G-15 of this Code.

22 (3) A peace officer.

23 (4) A peace officer while carrying a deadly weapon.

24 (5) A peace officer in attempting or committing a
25 felony.

26 (6) A peace officer in attempting or committing a

1 forcible felony.

2 (7) The parent, legal guardian, or other relation of a
3 minor child to any public official, public employee, or
4 elementary or secondary school employee or administrator.

5 (8) A fire fighter.

6 (9) A fire fighter while carrying a deadly weapon.

7 (10) A fire fighter in attempting or committing a
8 felony.

9 (11) An emergency management worker of any
10 jurisdiction in this State.

11 (12) An emergency management worker of any
12 jurisdiction in this State in attempting or committing a
13 felony. For the purposes of this subsection (b), "emergency
14 management worker" has the meaning provided under Section
15 2-6.6 of this Code.

16 (c) Fraudulent advertisement of a corporate name.

17 (1) A company, association, or individual commits
18 fraudulent advertisement of a corporate name if he, she, or
19 it, not being incorporated, puts forth a sign or
20 advertisement and assumes, for the purpose of soliciting
21 business, a corporate name.

22 (2) Nothing contained in this subsection (c) prohibits
23 a corporation, company, association, or person from using a
24 divisional designation or trade name in conjunction with
25 its corporate name or assumed name under Section 4.05 of
26 the Business Corporation Act of 1983 or, if it is a member

1 of a partnership or joint venture, from doing partnership
2 or joint venture business under the partnership or joint
3 venture name. The name under which the joint venture or
4 partnership does business may differ from the names of the
5 members. Business may not be conducted or transacted under
6 that joint venture or partnership name, however, unless all
7 provisions of the Assumed Business Name Act have been
8 complied with. Nothing in this subsection (c) permits a
9 foreign corporation to do business in this State without
10 complying with all Illinois laws regulating the doing of
11 business by foreign corporations. No foreign corporation
12 may conduct or transact business in this State as a member
13 of a partnership or joint venture that violates any
14 Illinois law regulating or pertaining to the doing of
15 business by foreign corporations in Illinois.

16 (3) The provisions of this subsection (c) do not apply
17 to limited partnerships formed under the Revised Uniform
18 Limited Partnership Act or under the Uniform Limited
19 Partnership Act (2001).

20 (d) False law enforcement badges.

21 (1) A person commits false law enforcement badges if he
22 or she knowingly produces, sells, or distributes a law
23 enforcement badge without the express written consent of
24 the law enforcement agency represented on the badge or, in
25 case of a reorganized or defunct law enforcement agency,
26 its successor law enforcement agency.

1 (2) It is a defense to false law enforcement badges
2 that the law enforcement badge is used or is intended to be
3 used exclusively: (i) as a memento or in a collection or
4 exhibit; (ii) for decorative purposes; or (iii) for a
5 dramatic presentation, such as a theatrical, film, or
6 television production.

7 (e) False medals.

8 (1) A person commits a false personation if he or she
9 knowingly and falsely represents himself or herself to be a
10 recipient of, or wears on his or her person, any of the
11 following medals if that medal was not awarded to that
12 person by the United States Government, irrespective of
13 branch of service: The Congressional Medal of Honor, The
14 Distinguished Service Cross, The Navy Cross, The Air Force
15 Cross, The Silver Star, The Bronze Star, or the Purple
16 Heart.

17 (2) It is a defense to a prosecution under paragraph
18 (e)(1) that the medal is used, or is intended to be used,
19 exclusively:

20 (A) for a dramatic presentation, such as a
21 theatrical, film, or television production, or a
22 historical re-enactment; or

23 (B) for a costume worn, or intended to be worn, by
24 a person under 18 years of age.

25 (f) Sentence.

26 (1) A violation of paragraph (a)(8) is a petty offense

1 subject to a fine of not less than \$5 nor more than \$100,
2 and the person, firm, copartnership, or corporation
3 commits an additional petty offense for each day he, she,
4 or it continues to commit the violation. A violation of
5 paragraph (c)(1) is a petty offense, and the company,
6 association, or person commits an additional petty offense
7 for each day he, she, or it continues to commit the
8 violation. A violation of subsection (e) is a petty offense
9 for which the offender shall be fined at least \$100 and not
10 more than \$200.

11 (2) A violation of paragraph (a)(1) or (a)(3) is a
12 Class C misdemeanor.

13 (3) A violation of paragraph (a)(2), (a)(7), (b)(2), or
14 (b)(7) or subsection (d) is a Class A misdemeanor. A second
15 or subsequent violation of subsection (d) is a Class 3
16 felony.

17 (4) A violation of paragraph (a)(4), (a)(5), (a)(6),
18 (b)(1), (b)(2.3), (b)(2.7), (b)(3), (b)(8), or (b)(11) is a
19 Class 4 felony.

20 (5) A violation of paragraph (b)(4), (b)(9), or (b)(12)
21 is a Class 3 felony.

22 (6) A violation of paragraph (b)(5) or (b)(10) is a
23 Class 2 felony.

24 (7) A violation of paragraph (b)(6) is a Class 1
25 felony.

26 ~~(d) Sentence. False personation, unapproved use of a name~~

1 ~~or title, or solicitation in violation of subsection (a), (b),~~
2 ~~(b-5), or (b-10) of this Section is a Class C misdemeanor.~~
3 ~~False personation in violation of subsections (a-5) and (c-6)~~
4 ~~is a Class A misdemeanor. False personation in violation of~~
5 ~~subsection (a-6) of this Section is a petty offense for which~~
6 ~~the offender shall be fined at least \$100 and not exceeding~~
7 ~~\$200. Engaging in any activity in violation of subsection~~
8 ~~(c-1), (c-2), (c-3), (c-4), or (c-5) of this Section is a Class~~
9 ~~4 felony.~~

10 (Source: P.A. 95-331, eff. 8-21-07; 96-328, eff. 8-11-09.)

11 (720 ILCS 5/17-3) (from Ch. 38, par. 17-3)

12 Sec. 17-3. Forgery.

13 (a) A person commits forgery when, with intent to defraud,
14 he or she knowingly:

15 (1) makes or alters any document apparently capable of
16 defrauding another in such manner that it purports to have
17 been made by another or at another time, or with different
18 provisions, or by authority of one who did not give such
19 authority; or

20 (2) issues or delivers such document knowing it to have
21 been thus made or altered; or

22 (3) possesses, with intent to issue or deliver, any
23 such document knowing it to have been thus made or altered;
24 or

25 (4) unlawfully uses the digital signature, as defined

1 in the Financial Institutions Electronic Documents and
2 Digital Signature Act, of another; or

3 (5) unlawfully uses the signature device of another to
4 create an electronic signature of that other person, as
5 those terms are defined in the Electronic Commerce Security
6 Act.

7 (b) (Blank). ~~An intent to defraud means an intention to~~
8 ~~cause another to assume, create, transfer, alter or terminate~~
9 ~~any right, obligation or power with reference to any person or~~
10 ~~property. As used in this Section, "document" includes, but is~~
11 ~~not limited to, any document, representation, or image produced~~
12 ~~manually, electronically, or by computer.~~

13 (c) A document apparently capable of defrauding another
14 includes, but is not limited to, one by which any right,
15 obligation or power with reference to any person or property
16 may be created, transferred, altered or terminated. A document
17 includes any record or electronic record as those terms are
18 defined in the Electronic Commerce Security Act. For purposes
19 of this Section, a document also includes a Universal Price
20 Code Label or coin.

21 (d) Sentence.

22 (1) Except as provided in paragraphs (2) and (3),
23 forgery ~~Forgery~~ is a Class 3 felony.

24 (2) Forgery is a Class 4 felony when only one Universal
25 Price Code Label is forged.

26 (3) Forgery is a Class A misdemeanor when an academic

1 degree or coin is forged.

2 (e) It is not a violation of this Section if a false
3 academic degree explicitly states "for novelty purposes only".

4 (Source: P.A. 94-458, eff. 8-4-05.)

5 (720 ILCS 5/17-3.5 new)

6 Sec. 17-3.5. Deceptive sale of gold or silver.

7 (a) Whoever makes for sale, or sells, or offers to sell or
8 dispose of, or has in his or her possession with intent to sell
9 or dispose of, any article or articles construed in whole or in
10 part, of gold or any alloy or imitation thereof, having thereon
11 or on any box, package, cover, wrapper or other thing enclosing
12 or encasing such article or articles for sale, any stamp,
13 brand, engraving, printed label, trade mark, imprint or other
14 mark, indicating or designed, or intended to indicate, that the
15 gold, alloy or imitation thereof, in such article or articles,
16 is different from or better than the actual kind and quality of
17 such gold, alloy or imitation, shall be guilty of a petty
18 offense and shall be fined in any sum not less than \$50 nor
19 more than \$100.

20 (b) Whoever makes for sale, sells or offers to sell or
21 dispose of or has in his or her possession, with intent to sell
22 or dispose of, any article or articles constructed in whole or
23 in part of silver or any alloy or imitation thereof, having
24 thereon--or on any box, package, cover, wrapper or other thing
25 enclosing or encasing such article or articles for sale--any

1 stamp, brand, engraving, printed label, trademark, imprint or
2 other mark, containing the words "sterling" or "sterling
3 silver," referring, or designed or intended to refer, to the
4 silver, alloy or imitation thereof in such article or articles,
5 when such silver, alloy or imitation thereof shall contain less
6 than nine hundred and twenty-five one-thousandths thereof of
7 pure silver, shall be guilty of a petty offense and shall be
8 fined in any sum not less than \$50 nor more than \$100.

9 (c) Whoever makes for sale, sells or offers to sell or
10 dispose of or has in his or her possession, with intent to sell
11 or dispose of, any article or articles constructed in whole or
12 in part of silver or any alloy or imitation thereof, having
13 thereon--or on any box, package, cover, wrapper or other thing
14 enclosing or encasing such article or articles for sale--any
15 stamp, brand, engraving, printed label, trademark, imprint, or
16 other mark, containing the words "coin" or "coin silver,"
17 referring to or designed or intended to refer to, the silver,
18 alloy or imitation thereof, in such article or articles, when
19 such silver, alloy or imitation shall contain less than
20 nine-tenths thereof pure silver, shall be guilty of a petty
21 offense and shall be fined in any sum not less than \$50 and not
22 more than \$100.

23 (720 ILCS 5/17-5) (from Ch. 38, par. 17-5)

24 Sec. 17-5. Deceptive collection practices.

25 A collection agency as defined in the "Collection Agency

1 Act^u or any employee of such collection agency commits a
2 deceptive collection practice when, with the intent to collect
3 a debt owed to an individual or a ~~a person,~~ corporation, or
4 other entity, he, she, or it does any of the following:

5 (a) Represents ~~represents~~ falsely that he or she is an
6 attorney, a policeman, a sheriff or deputy sheriff, a bailiff,
7 a county clerk or employee of a county clerk's office, or any
8 other person who by statute is authorized to enforce the law or
9 any order of a court. ~~or~~

10 (b) While ~~while~~ attempting to collect an alleged debt,
11 misrepresents to the alleged debtor or to his or her immediate
12 family the corporate, partnership or proprietary name or other
13 trade or business name under which the debt collector is
14 engaging in debt collections and which he, she, or it is
15 legally authorized to use. ~~or~~

16 (c) While ~~while~~ attempting to collect an alleged debt, adds
17 to the debt any service charge, interest or penalty which he,
18 she, or it is not entitled by law to add. ~~or~~

19 (d) Threatens ~~threatens~~ to ruin, destroy, or otherwise
20 adversely affect an alleged debtor's credit rating unless, at
21 the same time, a disclosure is made in accordance with federal
22 law that the alleged debtor has a right to inspect his or her
23 credit rating. ~~or~~

24 (e) Accepts ~~accepts~~ from an alleged debtor a payment which
25 he, she, or it knows is not owed.

26 Sentence. The commission of a deceptive collection

1 practice is a Business Offense punishable by a fine not to
2 exceed \$3,000.

3 (Source: P.A. 78-1248.)

4 (720 ILCS 5/17-5.5)

5 Sec. 17-5.5. Unlawful attempt to collect compensated debt
6 against a crime victim.

7 ~~(a) As used in this Section, "crime victim" means a victim~~
8 ~~of a violent crime or applicant as defined in the Crime Victims~~
9 ~~Compensation Act.~~

10 ~~"Compensated debt" means a debt incurred by or on behalf of~~
11 ~~a crime victim and approved for payment by the Court of Claims~~
12 ~~under the Crime Victims Compensation Act.~~

13 (a) ~~(b)~~ A person or a vendor commits ~~the offense of~~
14 unlawful attempt to collect a compensated debt against a crime
15 victim when, with intent to collect funds for a debt incurred
16 by or on behalf of a crime victim, which debt has been approved
17 for payment by the Court of Claims under the Crime Victims
18 Compensation Act, but the funds are involuntarily withheld from
19 the person or vendor by the Comptroller by virtue of an
20 outstanding obligation owed by the person or vendor to the
21 State under the Uncollected State Claims Act, the person or
22 vendor:

23 (1) communicates with, harasses, or intimidates the
24 crime victim for payment;

25 (2) contacts or distributes information to affect the

1 compensated crime victim's credit rating as a result of the
2 compensated debt; or

3 (3) takes any other action adverse to the crime victim
4 or his or her family on account of the compensated debt.

5 (b) Sentence. ~~(c)~~ Unlawful attempt to collect a compensated
6 debt against a crime victim is a Class A misdemeanor.

7 (c) ~~(d)~~ Nothing in this Code Act prevents the attempt to
8 collect an uncompensated debt or an uncompensated portion of a
9 compensated debt incurred by or on behalf of a crime victim and
10 not covered under the Crime Victims Compensation Act.

11 (d) As used in this Section, "crime victim" means a victim
12 of a violent crime or applicant as defined in the Crime Victims
13 Compensation Act. "Compensated debt" means a debt incurred by
14 or on behalf of a crime victim and approved for payment by the
15 Court of Claims under the Crime Victims Compensation Act.

16 (Source: P.A. 92-286, eff. 1-1-02.)

17 (720 ILCS 5/17-5.7 new)

18 Sec. 17-5.7. Deceptive advertising.

19 (a) Any person, firm, corporation or association or agent
20 or employee thereof, who, with intent to sell, purchase, or in
21 any wise dispose of, or to contract with reference to
22 merchandise, securities, real estate, service, employment,
23 money, credit or anything offered by such person, firm,
24 corporation or association, or agent or employee thereof,
25 directly or indirectly, to the public for sale, purchase, loan,

1 distribution, or the hire of personal services, or with intent
2 to increase the consumption of or to contract with reference to
3 any merchandise, real estate, securities, money, credit, loan,
4 service or employment, or to induce the public in any manner to
5 enter into any obligation relating thereto, or to acquire title
6 thereto, or an interest therein, or to make any loan, makes,
7 publishes, disseminates, circulates, or places before the
8 public, or causes, directly or indirectly, to be made,
9 published, disseminated, circulated, or placed before the
10 public, in this State, in a newspaper, magazine, or other
11 publication, or in the form of a book, notice, handbill,
12 poster, sign, bill, circular, pamphlet, letter, placard, card,
13 label, or over any radio or television station, or in any other
14 way similar or dissimilar to the foregoing, an advertisement,
15 announcement, or statement of any sort regarding merchandise,
16 securities, real estate, money, credit, service, employment,
17 or anything so offered for use, purchase, loan or sale, or the
18 interest, terms or conditions upon which such loan will be made
19 to the public, which advertisement contains any assertion,
20 representation or statement of fact which is untrue, misleading
21 or deceptive, shall be guilty of a Class A misdemeanor.

22 (b) Any person, firm or corporation offering for sale
23 merchandise, commodities or service by making, publishing,
24 disseminating, circulating or placing before the public within
25 this State in any manner an advertisement of merchandise,
26 commodities, or service, with the intent, design or purpose not

1 to sell the merchandise, commodities, or service so advertised
2 at the price stated therein, or otherwise communicated, or with
3 intent not to sell the merchandise, commodities, or service so
4 advertised, may be enjoined from such advertising upon
5 application for injunctive relief by the State's Attorney or
6 Attorney General, and shall also be guilty of a Class A
7 misdemeanor.

8 (c) Any person, firm or corporation who makes, publishes,
9 disseminates, circulates or places before the public, or
10 causes, directly or indirectly to be made, published,
11 disseminated, circulated or placed before the public, in this
12 State, in a newspaper, magazine or other publication published
13 in this State, or in the form of a book, notice, handbill,
14 poster, sign, bill, circular, pamphlet, letter, placard, card,
15 or label distributed in this State, or over any radio or
16 television station located in this State or in any other way in
17 this State similar or dissimilar to the foregoing, an
18 advertisement, announcement, statement or representation of
19 any kind to the public relating to the sale, offering for sale,
20 purchase, use or lease of any real estate in a subdivision
21 located outside the State of Illinois may be enjoined from such
22 activity upon application for injunctive relief by the State's
23 Attorney or Attorney General and shall also be guilty of a
24 Class A misdemeanor unless such advertisement, announcement,
25 statement or representation contains or is accompanied by a
26 clear, concise statement of the proximity of such real estate

1 in common units of measurement to public schools, public
2 highways, fresh water supply, public sewers, electric power,
3 stores and shops, and telephone service or contains a statement
4 that one or more of such facilities are not readily available,
5 and name those not available.

6 (d) Subsections (a), (b), and (c) do not apply to any
7 medium for the printing, publishing, or disseminating of
8 advertising, or any owner, agent or employee thereof, nor to
9 any advertising agency or owner, agent or employee thereof, nor
10 to any radio or television station, or owner, agent, or
11 employee thereof, for printing, publishing, or disseminating,
12 or causing to be printed, published, or disseminated, such
13 advertisement in good faith and without knowledge of the
14 deceptive character thereof.

15 (e) No person, firm or corporation owning or operating a
16 service station shall advertise or hold out or state to the
17 public the per gallon price of gasoline, upon any sign on the
18 premises of such station, unless such price includes all taxes,
19 and unless the price, as so advertised, corresponds with the
20 price appearing on the pump from which such gasoline is
21 dispensed. Also, the identity of the product must be included
22 with the price in any such advertisement, holding out or
23 statement to the public. Any person who violates this
24 subsection (e) shall be guilty of a petty offense.

1 SUBDIVISION 10. FRAUD ON A GOVERNMENTAL ENTITY

2 (720 ILCS 5/17-6) (from Ch. 38, par. 17-6)

3 Sec. 17-6. State benefits fraud ~~Benefits Fraud~~.

4 (a) ~~A~~ Any person commits State benefits fraud when he or
5 she ~~who~~ obtains or attempts to obtain money or benefits from
6 the State of Illinois, from any political subdivision thereof,
7 or from any program funded or administered in whole or in part
8 by the State of Illinois or any political subdivision thereof
9 through the knowing use of false identification documents or
10 through the knowing misrepresentation of his or her age, place
11 of residence, number of dependents, marital or family status,
12 employment status, financial status, or any other material fact
13 upon which his eligibility for or degree of participation in
14 any benefit program might be based, ~~is guilty of State benefits~~
15 ~~fraud~~.

16 (b) Notwithstanding any provision of State law to the
17 contrary, every application or other document submitted to an
18 agency or department of the State of Illinois or any political
19 subdivision thereof to establish or determine eligibility for
20 money or benefits from the State of Illinois or from any
21 political subdivision thereof, or from any program funded or
22 administered in whole or in part by the State of Illinois or
23 any political subdivision thereof, shall be made available upon
24 request to any law enforcement agency for use in the
25 investigation or prosecution of State benefits fraud or for use

1 in the investigation or prosecution of any other crime arising
2 out of the same transaction or occurrence. Except as otherwise
3 permitted by law, information disclosed pursuant to this
4 subsection shall be used and disclosed only for the purposes
5 provided herein. The provisions of this Section shall be
6 operative only to the extent that they do not conflict with any
7 federal law or regulation governing federal grants to this
8 State.

9 (c) Any employee of the State of Illinois or any agency or
10 political subdivision thereof may seize as evidence any false
11 or fraudulent document presented to him or her in connection
12 with an application for or receipt of money or benefits from
13 the State of Illinois, from any political subdivision thereof,
14 or from any program funded or administered in whole or in part
15 by the State of Illinois or any political subdivision thereof.

16 (d) Sentence.

17 (1) State benefits fraud is a Class 4 felony except when
18 more than \$300 is obtained, in which case State benefits fraud
19 is a Class 3 felony.

20 (2) ~~If State benefits fraud is a Class 3 felony when \$300~~
21 ~~or less is obtained and a Class 2 felony when more than \$300 is~~
22 ~~obtained if~~ a person knowingly misrepresents oneself as a
23 veteran or as a dependent of a veteran with the intent of
24 obtaining benefits or privileges provided by the State or its
25 political subdivisions to veterans or their dependents, then
26 State benefits fraud is a Class 3 felony when \$300 or less is

1 obtained and a Class 2 felony when more than \$300 is obtained.

2 For the purposes of this paragraph (2), benefits and privileges
3 include, but are not limited to, those benefits and privileges
4 available under the Veterans' Employment Act, the Viet Nam
5 Veterans Compensation Act, the Prisoner of War Bonus Act, the
6 War Bonus Extension Act, the Military Veterans Assistance Act,
7 the Veterans' Employment Representative Act, the Veterans
8 Preference Act, the Service Member's Employment Tenure Act, the
9 Disabled Veterans Housing Act, the Under Age Veterans Benefits
10 Act, the Survivors Compensation Act, the Children of Deceased
11 Veterans Act, the Veterans Burial Places Act, the Higher
12 Education Student Assistance Act, or any other loans,
13 assistance in employment, monetary payments, or tax exemptions
14 offered by the State or its political subdivisions for veterans
15 or their dependents.

16 (Source: P.A. 94-486, eff. 1-1-06.)

17 (720 ILCS 5/17-6.3 new)

18 Sec. 17-6.3. WIC fraud.

19 (a) For the purposes of this Section, the Special
20 Supplemental Food Program for Women, Infants and Children
21 administered by the Illinois Department of Public Health or
22 Department of Human Services shall be referred to as "WIC".

23 (b) A person commits WIC fraud if he or she knowingly (i)
24 uses, acquires, possesses, or transfers WIC Food Instruments or
25 authorizations to participate in WIC in any manner not

1 authorized by law or the rules of the Illinois Department of
2 Public Health or Department of Human Services or (ii) uses,
3 acquires, possesses, or transfers altered WIC Food Instruments
4 or authorizations to participate in WIC.

5 (c) Administrative malfeasance.

6 (1) A person commits administrative malfeasance if he
7 or she knowingly or recklessly misappropriates, misuses,
8 or unlawfully withholds or converts to his or her own use
9 or to the use of another any public funds made available
10 for WIC.

11 (2) An official or employee of the State or a unit of
12 local government who knowingly aids, abets, assists, or
13 participates in a known violation of this Section is
14 subject to disciplinary proceedings under the rules of the
15 applicable State agency or unit of local government.

16 (d) Unauthorized possession of identification document. A
17 person commits unauthorized possession of an identification
18 document if he or she knowingly possesses, with intent to
19 commit a misdemeanor or felony, another person's
20 identification document issued by the Illinois Department of
21 Public Health or Department of Human Services. For purposes of
22 this Section, "identification document" includes, but is not
23 limited to, an authorization to participate in WIC or a card or
24 other document that identifies a person as being entitled to
25 WIC benefits.

26 (e) Penalties.

1 (1) If an individual, firm, corporation, association,
2 agency, institution, or other legal entity is found by a
3 court to have engaged in an act, practice, or course of
4 conduct declared unlawful under subsection (a), (b), or (c)
5 of this Section and:

6 (A) the total amount of money involved in the
7 violation, including the monetary value of the WIC Food
8 Instruments and the value of commodities, is less than
9 \$150, the violation is a Class A misdemeanor; a second
10 or subsequent violation is a Class 4 felony;

11 (B) the total amount of money involved in the
12 violation, including the monetary value of the WIC Food
13 Instruments and the value of commodities, is \$150 or
14 more but less than \$1,000, the violation is a Class 4
15 felony; a second or subsequent violation is a Class 3
16 felony;

17 (C) the total amount of money involved in the
18 violation, including the monetary value of the WIC Food
19 Instruments and the value of commodities, is \$1,000 or
20 more but less than \$5,000, the violation is a Class 3
21 felony; a second or subsequent violation is a Class 2
22 felony;

23 (D) the total amount of money involved in the
24 violation, including the monetary value of the WIC Food
25 Instruments and the value of commodities, is \$5,000 or
26 more but less than \$10,000, the violation is a Class 2

1 felony; a second or subsequent violation is a Class 1
2 felony; or

3 (E) the total amount of money involved in the
4 violation, including the monetary value of the WIC Food
5 Instruments and the value of commodities, is \$10,000 or
6 more, the violation is a Class 1 felony and the
7 defendant shall be permanently ineligible to
8 participate in WIC.

9 (2) A violation of subsection (d) is a Class 4 felony.

10 (3) The State's Attorney of the county in which the
11 violation of this Section occurred or the Attorney General
12 shall bring actions arising under this Section in the name
13 of the People of the State of Illinois.

14 (4) For purposes of determining the classification of
15 an offense under this subsection (e), all of the money
16 received as a result of the unlawful act, practice, or
17 course of conduct, including the value of any WIC Food
18 Instruments and the value of commodities, shall be
19 aggregated.

20 (f) Seizure and forfeiture of property.

21 (1) A person who commits a felony violation of this
22 Section is subject to the property forfeiture provisions
23 set forth in Article 124B of the Code of Criminal Procedure
24 of 1963.

25 (2) Property subject to forfeiture under this
26 subsection (f) may be seized by the Director of State

1 Police or any local law enforcement agency upon process or
2 seizure warrant issued by any court having jurisdiction
3 over the property. The Director or a local law enforcement
4 agency may seize property under this subsection (f) without
5 process under any of the following circumstances:

6 (A) If the seizure is incident to inspection under
7 an administrative inspection warrant.

8 (B) If the property subject to seizure has been the
9 subject of a prior judgment in favor of the State in a
10 criminal proceeding or in an injunction or forfeiture
11 proceeding under Article 124B of the Code of Criminal
12 Procedure of 1963.

13 (C) If there is probable cause to believe that the
14 property is directly or indirectly dangerous to health
15 or safety.

16 (D) If there is probable cause to believe that the
17 property is subject to forfeiture under this
18 subsection (f) and Article 124B of the Code of Criminal
19 Procedure of 1963 and the property is seized under
20 circumstances in which a warrantless seizure or arrest
21 would be reasonable.

22 (E) In accordance with the Code of Criminal
23 Procedure of 1963.

24 (g) Future participation as WIC vendor. A person who has
25 been convicted of a felony violation of this Section is
26 prohibited from participating as a WIC vendor for a minimum

1 period of 3 years following conviction and until the total
2 amount of money involved in the violation, including the value
3 of WIC Food Instruments and the value of commodities, is repaid
4 to WIC. This prohibition shall extend to any person with
5 management responsibility in a firm, corporation, association,
6 agency, institution, or other legal entity that has been
7 convicted of a violation of this Section and to an officer or
8 person owning, directly or indirectly, 5% or more of the shares
9 of stock or other evidences of ownership in a corporate vendor.

10 (720 ILCS 5/17-6.5 new)

11 Sec. 17-6.5. Persons under deportation order;
12 ineligibility for benefits.

13 (a) An individual against whom a United States Immigration
14 Judge has issued an order of deportation which has been
15 affirmed by the Board of Immigration Review, as well as an
16 individual who appeals such an order pending appeal, under
17 paragraph 19 of Section 241(a) of the Immigration and
18 Nationality Act relating to persecution of others on account of
19 race, religion, national origin or political opinion under the
20 direction of or in association with the Nazi government of
21 Germany or its allies, shall be ineligible for the following
22 benefits authorized by State law:

23 (1) The homestead exemptions and homestead improvement
24 exemption under Sections 15-170, 15-175, 15-176, and
25 15-180 of the Property Tax Code.

1 (2) Grants under the Senior Citizens and Disabled
2 Persons Property Tax Relief and Pharmaceutical Assistance
3 Act.

4 (3) The double income tax exemption conferred upon
5 persons 65 years of age or older by Section 204 of the
6 Illinois Income Tax Act.

7 (4) Grants provided by the Department on Aging.

8 (5) Reductions in vehicle registration fees under
9 Section 3-806.3 of the Illinois Vehicle Code.

10 (6) Free fishing and reduced fishing license fees under
11 Sections 20-5 and 20-40 of the Fish and Aquatic Life Code.

12 (7) Tuition free courses for senior citizens under the
13 Senior Citizen Courses Act.

14 (8) Any benefits under the Illinois Public Aid Code.

15 (b) If a person has been found by a court to have knowingly
16 received benefits in violation of subsection (a) and:

17 (1) the total monetary value of the benefits received
18 is less than \$150, the person is guilty of a Class A
19 misdemeanor; a second or subsequent violation is a Class 4
20 felony;

21 (2) the total monetary value of the benefits received
22 is \$150 or more but less than \$1,000, the person is guilty
23 of a Class 4 felony; a second or subsequent violation is a
24 Class 3 felony;

25 (3) the total monetary value of the benefits received
26 is \$1,000 or more but less than \$5,000, the person is

1 guilty of a Class 3 felony; a second or subsequent
2 violation is a Class 2 felony;

3 (4) the total monetary value of the benefits received
4 is \$5,000 or more but less than \$10,000, the person is
5 guilty of a Class 2 felony; a second or subsequent
6 violation is a Class 1 felony; or

7 (5) the total monetary value of the benefits received
8 is \$10,000 or more, the person is guilty of a Class 1
9 felony.

10 (c) For purposes of determining the classification of an
11 offense under this Section, all of the monetary value of the
12 benefits received as a result of the unlawful act, practice, or
13 course of conduct may be accumulated.

14 (d) Any grants awarded to persons described in subsection
15 (a) may be recovered by the State of Illinois in a civil action
16 commenced by the Attorney General in the circuit court of
17 Sangamon County or the State's Attorney of the county of
18 residence of the person described in subsection (a).

19 (e) An individual described in subsection (a) who has been
20 deported shall be restored to any benefits which that
21 individual has been denied under State law pursuant to
22 subsection (a) if (i) the Attorney General of the United States
23 has issued an order cancelling deportation and has adjusted the
24 status of the individual to that of an alien lawfully admitted
25 for permanent residence in the United States or (ii) the
26 country to which the individual has been deported adjudicates

1 or exonerates the individual in a judicial or administrative
2 proceeding as not being guilty of the persecution of others on
3 account of race, religion, national origin, or political
4 opinion under the direction of or in association with the Nazi
5 government of Germany or its allies.

6 (720 ILCS 5/17-8.3) (was 720 ILCS 5/17-22)

7 Sec. 17-8.3 ~~17-22~~. False information on an application for
8 employment with certain public or private agencies; use of
9 false academic degree.

10 (a) It is unlawful for an applicant for employment with a
11 public or private agency that provides State funded services to
12 persons with mental illness or developmental disabilities to
13 knowingly ~~wilfully~~ furnish false information regarding
14 professional certification, licensing, criminal background, or
15 employment history for the 5 years immediately preceding the
16 date of application on an application for employment with the
17 agency if the position of employment requires or provides
18 opportunity for contact with persons with mental illness or
19 developmental disabilities.

20 (b) It is unlawful for a person to knowingly use a false
21 academic degree for the purpose of obtaining employment or
22 admission to an institution of higher learning or admission to
23 an advanced degree program at an institution of higher learning
24 or for the purpose of obtaining a promotion or higher
25 compensation in employment.

1 (c) ~~(b)~~ Sentence. A violation of this Section is a Class A
2 misdemeanor.

3 (Source: P.A. 90-390, eff. 1-1-98.)

4 (720 ILCS 5/17-8.5 new)

5 Sec. 17-8.5. Fraud on a governmental entity.

6 (a) Fraud on a governmental entity. A person commits fraud
7 on a governmental entity when he or she knowingly obtains,
8 attempts to obtain, or causes to be obtained, by deception,
9 control over the property of any governmental entity by the
10 making of a false claim of bodily injury or of damage to or
11 loss or theft of property or by causing a false claim of bodily
12 injury or of damage to or loss or theft of property to be made
13 against the governmental entity, intending to deprive the
14 governmental entity permanently of the use and benefit of that
15 property.

16 (b) Aggravated fraud on a governmental entity. A person
17 commits aggravated fraud on a governmental entity when he or
18 she commits fraud on a governmental entity 3 or more times
19 within an 18-month period arising out of separate incidents or
20 transactions.

21 (c) Conspiracy to commit fraud on a governmental entity. If
22 aggravated fraud on a governmental entity forms the basis for a
23 charge of conspiracy under Section 8-2 of this Code against a
24 person, the person or persons with whom the accused is alleged
25 to have agreed to commit the 3 or more violations of this

1 Section need not be the same person or persons for each
2 violation, as long as the accused was a part of the common
3 scheme or plan to engage in each of the 3 or more alleged
4 violations.

5 (d) Organizer of an aggravated fraud on a governmental
6 entity conspiracy. A person commits being an organizer of an
7 aggravated fraud on a governmental entity conspiracy if
8 aggravated fraud on a governmental entity forms the basis for a
9 charge of conspiracy under Section 8-2 of this Code and the
10 person occupies a position of organizer, supervisor, financier,
11 or other position of management within the conspiracy.

12 For the purposes of this Section, the person or persons
13 with whom the accused is alleged to have agreed to commit the 3
14 or more violations of subdivision (a) (1) of Section 17-10.5 or
15 subsection (a) of Section 17-8.5 of this Code need not be the
16 same person or persons for each violation, as long as the
17 accused occupied a position of organizer, supervisor,
18 financier, or other position of management in each of the 3 or
19 more alleged violations.

20 Notwithstanding Section 8-5 of this Code, a person may be
21 convicted and sentenced both for the offense of being an
22 organizer of an aggravated fraud conspiracy and for any other
23 offense that is the object of the conspiracy.

24 (e) Sentence.

25 (1) A violation of subsection (a) in which the value of
26 the property obtained or attempted to be obtained is \$300

1 or less is a Class A misdemeanor.

2 (2) A violation of subsection (a) in which the value of
3 the property obtained or attempted to be obtained is more
4 than \$300 but not more than \$10,000 is a Class 3 felony.

5 (3) A violation of subsection (a) in which the value of
6 the property obtained or attempted to be obtained is more
7 than \$10,000 but not more than \$100,000 is a Class 2
8 felony.

9 (4) A violation of subsection (a) in which the value of
10 the property obtained or attempted to be obtained is more
11 than \$100,000 is a Class 1 felony.

12 (5) A violation of subsection (b) is a Class 1 felony,
13 regardless of the value of the property obtained, attempted
14 to be obtained, or caused to be obtained.

15 (6) The offense of being an organizer of an aggravated
16 fraud conspiracy is a Class X felony.

17 (7) Notwithstanding Section 8-5 of this Code, a person
18 may be convicted and sentenced both for the offense of
19 conspiracy to commit fraud and for any other offense that
20 is the object of the conspiracy.

21 (f) Civil damages for fraud on a governmental entity. A
22 person who knowingly obtains, attempts to obtain, or causes to
23 be obtained, by deception, control over the property of a
24 governmental entity by the making of a false claim of bodily
25 injury or of damage to or loss or theft of property, intending
26 to deprive the governmental entity permanently of the use and

1 benefit of that property, shall be civilly liable to the
2 governmental entity that paid the claim or against whom the
3 claim was made or to the subrogee of the governmental entity in
4 an amount equal to either 3 times the value of the property
5 wrongfully obtained or, if property was not wrongfully
6 obtained, twice the value of the property attempted to be
7 obtained, whichever amount is greater, plus reasonable
8 attorney's fees.

9 (g) Determination of property value. For the purposes of
10 this Section, if the exact value of the property attempted to
11 be obtained is either not alleged by the claimant or not
12 otherwise specifically set, the value of the property shall be
13 the fair market replacement value of the property claimed to be
14 lost, the reasonable costs of reimbursing a vendor or other
15 claimant for services to be rendered, or both.

16 (h) Actions by State licensing agencies.

17 (1) All State licensing agencies, the Illinois State
18 Police, and the Department of Financial and Professional
19 Regulation shall coordinate enforcement efforts relating
20 to acts of fraud on a governmental entity.

21 (2) If a person who is licensed or registered under the
22 laws of the State of Illinois to engage in a business or
23 profession is convicted of or pleads guilty to engaging in
24 an act of fraud on a governmental entity, the Illinois
25 State Police must forward to each State agency by which the
26 person is licensed or registered a copy of the conviction

1 or plea and all supporting evidence.

2 (3) Any agency that receives information under this
3 Section shall, not later than 6 months after the date on
4 which it receives the information, publicly report the
5 final action taken against the convicted person, including
6 but not limited to the revocation or suspension of the
7 license or any other disciplinary action taken.

8 (i) Definitions. For the purposes of this Section,
9 "obtain", "obtains control", "deception", "property", and
10 "permanent deprivation" have the meanings ascribed to those
11 terms in Article 15 of this Code.

12 (720 ILCS 5/17-9) (from Ch. 38, par. 17-9)

13 Sec. 17-9. Public aid wire and mail fraud.

14 (a) Whoever knowingly (i) makes or transmits any
15 communication by means of telephone, wire, radio, or television
16 or (ii) places any communication with the United States Postal
17 Service, or with any private or other mail, package, or
18 delivery service or system, such communication being made,
19 transmitted, placed, or received within the State of Illinois,
20 intending that such communication be made, or transmitted, or
21 delivered in furtherance of any plan, scheme, or design to
22 obtain, unlawfully, any benefit or payment under the "~~The~~
23 Illinois Public Aid Code", ~~as amended,~~ commits ~~the offense of~~
24 public aid wire and mail fraud.

25 (b) Whoever knowingly directs or causes any communication

1 to be (i) made or transmitted by means of telephone, wire,
2 radio, or television or (ii) placed with the United States
3 Postal Service, or with any private or other mail, package, or
4 delivery service or system, intending that such communication
5 be made, ~~or~~ transmitted, or delivered in furtherance of any
6 plan, scheme, or design to obtain, unlawfully, any benefit or
7 payment under the "The Illinois Public Aid Code", as amended,
8 commits ~~the offense of~~ public aid wire and mail fraud.

9 (c) Sentence. A violation of this Section ~~Penalty. Public~~
10 ~~aid wire fraud~~ is a Class 4 felony.

11 (Source: P.A. 84-1255.)

12 (720 ILCS 5/17-10.2) (was 720 ILCS 5/17-29)

13 Sec. 17-10.2 ~~17-29~~. Businesses owned by minorities,
14 females, and persons with disabilities; fraudulent contracts
15 with governmental units.

16 (a) In this Section:

17 "Minority person" means a person who is: (1) African
18 American (a person having origins in any of the black
19 racial groups in Africa); (2) Hispanic (a person of Spanish
20 or Portuguese culture with origins in Mexico, South or
21 Central America, or the Caribbean Islands, regardless of
22 race); (3) Asian American (a person having origins in any
23 of the original peoples of the Far East, Southeast Asia,
24 the Indian Subcontinent or the Pacific Islands); or (4)
25 Native American or Alaskan Native (a person having origins

1 in any of the original peoples of North America).

2 "Female" means a person who is of the female gender.

3 "Person with a disability" means a person who is a
4 person qualifying as being disabled.

5 "Disabled" means a severe physical or mental
6 disability that: (1) results from: amputation, arthritis,
7 autism, blindness, burn injury, cancer, cerebral palsy,
8 cystic fibrosis, deafness, head injury, heart disease,
9 hemiplegia, hemophilia, respiratory or pulmonary
10 dysfunction, mental retardation, mental illness, multiple
11 sclerosis, muscular dystrophy, musculoskeletal disorders,
12 neurological disorders, including stroke and epilepsy,
13 paraplegia, quadriplegia and other spinal cord conditions,
14 sickle cell anemia, specific learning disabilities, or end
15 stage renal failure disease; and (2) substantially limits
16 one or more of the person's major life activities.

17 "Minority owned business" means a business concern
18 that is at least 51% owned by one or more minority persons,
19 or in the case of a corporation, at least 51% of the stock
20 in which is owned by one or more minority persons; and the
21 management and daily business operations of which are
22 controlled by one or more of the minority individuals who
23 own it.

24 "Female owned business" means a business concern that
25 is at least 51% owned by one or more females, or, in the
26 case of a corporation, at least 51% of the stock in which

1 is owned by one or more females; and the management and
2 daily business operations of which are controlled by one or
3 more of the females who own it.

4 "Business owned by a person with a disability" means a
5 business concern that is at least 51% owned by one or more
6 persons with a disability and the management and daily
7 business operations of which are controlled by one or more
8 of the persons with disabilities who own it. A
9 not-for-profit agency for persons with disabilities that
10 is exempt from taxation under Section 501 of the Internal
11 Revenue Code of 1986 is also considered a "business owned
12 by a person with a disability".

13 "Governmental unit" means the State, a unit of local
14 government, or school district.

15 (b) In addition to any other penalties imposed by law or by
16 an ordinance or resolution of a unit of local government or
17 school district, any individual or entity that knowingly
18 obtains, or knowingly assists another to obtain, a contract
19 with a governmental unit, or a subcontract or written
20 commitment for a subcontract under a contract with a
21 governmental unit, by falsely representing that the individual
22 or entity, or the individual or entity assisted, is a minority
23 owned business, female owned business, or business owned by a
24 person with a disability is guilty of a Class 2 felony,
25 regardless of whether the preference for awarding the contract
26 to a minority owned business, female owned business, or

1 business owned by a person with a disability was established by
2 statute or by local ordinance or resolution.

3 (c) In addition to any other penalties authorized by law,
4 the court shall order that an individual or entity convicted of
5 a violation of this Section must pay to the governmental unit
6 that awarded the contract a penalty equal to one and one-half
7 times the amount of the contract obtained because of the false
8 representation.

9 (Source: P.A. 94-126, eff. 1-1-06; 94-863, eff. 6-16-06.)

10 (720 ILCS 5/17-10.3 new)

11 Sec. 17-10.3. Deception relating to certification of
12 disadvantaged business enterprises.

13 (a) Fraudulently obtaining or retaining certification. A
14 person who, in the course of business, fraudulently obtains or
15 retains certification as a minority owned business or female
16 owned business commits a Class 2 felony.

17 (b) Willfully making a false statement. A person who, in
18 the course of business, willfully makes a false statement
19 whether by affidavit, report or other representation, to an
20 official or employee of a State agency or the Minority and
21 Female Business Enterprise Council for the purpose of
22 influencing the certification or denial of certification of any
23 business entity as a minority owned business or female owned
24 business commits a Class 2 felony.

25 (c) Willfully obstructing or impeding an official or

1 employee of any agency in his or her investigation. Any person
2 who, in the course of business, willfully obstructs or impedes
3 an official or employee of any State agency or the Minority and
4 Female Business Enterprise Council who is investigating the
5 qualifications of a business entity which has requested
6 certification as a minority owned business or a female owned
7 business commits a Class 2 felony.

8 (d) Fraudulently obtaining public moneys reserved for
9 disadvantaged business enterprises. Any person who, in the
10 course of business, fraudulently obtains public moneys
11 reserved for, or allocated or available to minority owned
12 businesses or female owned businesses commits a Class 2 felony.

13 (e) Definitions. As used in this Article, "minority owned
14 business", "female owned business", "State agency" and
15 "certification" shall have the meanings ascribed to them in
16 Section 2 of the Business Enterprise for Minorities, Females,
17 and Persons with Disabilities Act.

18 (720 ILCS 5/Art. 17, Subdiv. 15 heading new)

19 SUBDIVISION 15. FRAUD ON A PRIVATE ENTITY

20 (720 ILCS 5/17-10.5 new)

21 Sec. 17-10.5. Insurance fraud.

22 (a) Insurance fraud.

23 (1) A person commits insurance fraud when he or she
24 knowingly obtains, attempts to obtain, or causes to be

1 obtained, by deception, control over the property of an
2 insurance company or self-insured entity by the making of a
3 false claim or by causing a false claim to be made on any
4 policy of insurance issued by an insurance company or by
5 the making of a false claim or by causing a false claim to
6 be made to a self-insured entity, intending to deprive an
7 insurance company or self-insured entity permanently of
8 the use and benefit of that property.

9 (2) A person commits health care benefits fraud against
10 a provider, other than a governmental unit or agency, when
11 he or she knowingly obtains or attempts to obtain, by
12 deception, health care benefits and that obtaining or
13 attempt to obtain health care benefits does not involve
14 control over property of the provider.

15 (b) Aggravated insurance fraud.

16 (1) A person commits aggravated insurance fraud on a
17 private entity when he or she commits insurance fraud 3 or
18 more times within an 18-month period arising out of
19 separate incidents or transactions.

20 (2) A person commits being an organizer of an
21 aggravated insurance fraud on a private entity conspiracy
22 if aggravated insurance fraud on a private entity forms the
23 basis for a charge of conspiracy under Section 8-2 of this
24 Code and the person occupies a position of organizer,
25 supervisor, financier, or other position of management
26 within the conspiracy.

1 (c) Conspiracy to commit insurance fraud. If aggravated
2 insurance fraud on a private entity forms the basis for charges
3 of conspiracy under Section 8-2 of this Code, the person or
4 persons with whom the accused is alleged to have agreed to
5 commit the 3 or more violations of this Section need not be the
6 same person or persons for each violation, as long as the
7 accused was a part of the common scheme or plan to engage in
8 each of the 3 or more alleged violations.

9 If aggravated insurance fraud on a private entity forms the
10 basis for a charge of conspiracy under Section 8-2 of this
11 Code, and the accused occupies a position of organizer,
12 supervisor, financier, or other position of management within
13 the conspiracy, the person or persons with whom the accused is
14 alleged to have agreed to commit the 3 or more violations of
15 this Section need not be the same person or persons for each
16 violation as long as the accused occupied a position of
17 organizer, supervisor, financier, or other position of
18 management in each of the 3 or more alleged violations.

19 (d) Sentence.

20 (1) A violation of paragraph (a)(1) in which the value
21 of the property obtained, attempted to be obtained, or
22 caused to be obtained is \$300 or less is a Class A
23 misdemeanor.

24 (2) A violation of paragraph (a)(1) in which the value
25 of the property obtained, attempted to be obtained, or
26 caused to be obtained is more than \$300 but not more than

1 \$10,000 is a Class 3 felony.

2 (3) A violation of paragraph (a)(1) in which the value
3 of the property obtained, attempted to be obtained, or
4 caused to be obtained is more than \$10,000 but not more
5 than \$100,000 is a Class 2 felony.

6 (4) A violation of paragraph (a)(1) in which the value
7 of the property obtained, attempted to be obtained, or
8 caused to be obtained is more than \$100,000 is a Class 1
9 felony.

10 (5) A violation of paragraph (a)(2) is a Class A
11 misdemeanor.

12 (6) A violation of paragraph (b)(1) is a Class 1
13 felony, regardless of the value of the property obtained,
14 attempted to be obtained, or caused to be obtained.

15 (7) A violation of paragraph (b)(2) is a Class X
16 felony.

17 (8) A person convicted of insurance fraud, vendor
18 fraud, or a federal criminal violation associated with
19 defrauding the Medicaid program shall be ordered to pay
20 monetary restitution to the insurance company or
21 self-insured entity or any other person for any financial
22 loss sustained as a result of a violation of this Section,
23 including any court costs and attorney's fees. An order of
24 restitution shall include expenses incurred and paid by the
25 State of Illinois or an insurance company or self-insured
26 entity in connection with any medical evaluation or

1 treatment services.

2 (9) Notwithstanding Section 8-5 of this Code, a person
3 may be convicted and sentenced both for the offense of
4 conspiracy to commit insurance fraud and for any other
5 offense that is the object of the conspiracy.

6 (e) Civil damages for insurance fraud.

7 (1) A person who knowingly obtains, attempts to obtain,
8 or causes to be obtained, by deception, control over the
9 property of any insurance company by the making of a false
10 claim or by causing a false claim to be made on a policy of
11 insurance issued by an insurance company, or by the making
12 of a false claim or by causing a false claim to be made to a
13 self-insured entity, intending to deprive an insurance
14 company or self-insured entity permanently of the use and
15 benefit of that property, shall be civilly liable to the
16 insurance company or self-insured entity that paid the
17 claim or against whom the claim was made or to the subrogee
18 of that insurance company or self-insured entity in an
19 amount equal to either 3 times the value of the property
20 wrongfully obtained or, if no property was wrongfully
21 obtained, twice the value of the property attempted to be
22 obtained, whichever amount is greater, plus reasonable
23 attorney's fees.

24 (2) An insurance company or self-insured entity that
25 brings an action against a person under paragraph (1) of
26 this subsection in bad faith shall be liable to that person

1 for twice the value of the property claimed, plus
2 reasonable attorney's fees. In determining whether an
3 insurance company or self-insured entity acted in bad
4 faith, the court shall relax the rules of evidence to allow
5 for the introduction of any facts or other information on
6 which the insurance company or self-insured entity may have
7 relied in bringing an action under paragraph (1) of this
8 subsection.

9 (f) Determination of property value. For the purposes of
10 this Section, if the exact value of the property attempted to
11 be obtained is either not alleged by the claimant or not
12 specifically set by the terms of a policy of insurance, the
13 value of the property shall be the fair market replacement
14 value of the property claimed to be lost, the reasonable costs
15 of reimbursing a vendor or other claimant for services to be
16 rendered, or both.

17 (g) Actions by State licensing agencies.

18 (1) All State licensing agencies, the Illinois State
19 Police, and the Department of Financial and Professional
20 Regulation shall coordinate enforcement efforts relating
21 to acts of insurance fraud.

22 (2) If a person who is licensed or registered under the
23 laws of the State of Illinois to engage in a business or
24 profession is convicted of or pleads guilty to engaging in
25 an act of insurance fraud, the Illinois State Police must
26 forward to each State agency by which the person is

1 licensed or registered a copy of the conviction or plea and
2 all supporting evidence.

3 (3) Any agency that receives information under this
4 Section shall, not later than 6 months after the date on
5 which it receives the information, publicly report the
6 final action taken against the convicted person, including
7 but not limited to the revocation or suspension of the
8 license or any other disciplinary action taken.

9 (h) Definitions. For the purposes of this Section,
10 "obtain", "obtains control", "deception", "property", and
11 "permanent deprivation" have the meanings ascribed to those
12 terms in Article 15 of this Code.

13 (720 ILCS 5/17-10.6 new)

14 Sec. 17-10.6. Financial institution fraud.

15 (a) Misappropriation of financial institution property. A
16 person commits misappropriation of a financial institution's
17 property whenever he or she knowingly obtains or exerts
18 unauthorized control over any of the moneys, funds, or credits
19 of a financial institution, or any securities entrusted to the
20 custody or care of a financial institution or to the custody or
21 care of any agent, officer, director, or employee of a
22 financial institution.

23 (b) Commercial bribery of a financial institution.

24 (1) A person commits commercial bribery of a financial
25 institution when he or she knowingly confers or offers or

1 agrees to confer any benefit upon any employee, agent, or
2 fiduciary without the consent of the latter's employer or
3 principal, with the intent to influence his or her conduct
4 in relation to his or her employer's or principal's
5 affairs.

6 (2) An employee, agent, or fiduciary of a financial
7 institution commits commercial bribery of a financial
8 institution when, without the consent of his or her
9 employer or principal, he or she knowingly solicits,
10 accepts, or agrees to accept any benefit from another
11 person upon an agreement or understanding that such benefit
12 will influence his or her conduct in relation to his or her
13 employer's or principal's affairs.

14 (c) Financial institution fraud. A person commits
15 financial institution fraud when he or she knowingly executes
16 or attempts to execute a scheme or artifice:

17 (1) to defraud a financial institution; or

18 (2) to obtain any of the moneys, funds, credits,
19 assets, securities, or other property owned by or under the
20 custody or control of a financial institution, by means of
21 pretenses, representations, or promises he or she knows to
22 be false.

23 (d) Loan fraud. A person commits loan fraud when he or she
24 knowingly, with intent to defraud, makes any false statement or
25 report, or overvalues any land, property, or security, with the
26 intent to influence in any way the action of a financial

1 institution to act upon any application, advance, discount,
2 purchase, purchase agreement, repurchase agreement,
3 commitment, or loan, or any change or extension of any of the
4 same, by renewal, deferment of action, or otherwise, or the
5 acceptance, release, or substitution of security.

6 (e) Concealment of collateral. A person commits
7 concealment of collateral when he or she, with intent to
8 defraud, knowingly conceals, removes, disposes of, or converts
9 to the person's own use or to that of another any property
10 mortgaged or pledged to or held by a financial institution.

11 (f) Financial institution robbery. A person commits
12 robbery when he or she knowingly, by force or threat of force,
13 or by intimidation, takes, or attempts to take, from the person
14 or presence of another, or obtains or attempts to obtain by
15 extortion, any property or money or any other thing of value
16 belonging to, or in the care, custody, control, management, or
17 possession of, a financial institution.

18 (g) Conspiracy to commit a financial crime.

19 (1) A person commits conspiracy to commit a financial
20 crime when, with the intent that any violation of this
21 Section be committed, he or she agrees with another person
22 to the commission of that offense.

23 (2) No person may be convicted of conspiracy to commit
24 a financial crime unless an overt act or acts in
25 furtherance of the agreement is alleged and proved to have
26 been committed by that person or by a co-conspirator and

1 the accused is a part of a common scheme or plan to engage
2 in the unlawful activity.

3 (3) It shall not be a defense to conspiracy to commit a
4 financial crime that the person or persons with whom the
5 accused is alleged to have conspired:

6 (A) has not been prosecuted or convicted;

7 (B) has been convicted of a different offense;

8 (C) is not amenable to justice;

9 (D) has been acquitted; or

10 (E) lacked the capacity to commit the offense.

11 (h) Continuing financial crimes enterprise. A person
12 commits a continuing financial crimes enterprise when he or she
13 knowingly, within an 18-month period, commits 3 or more
14 separate offenses under this Section or, if involving a
15 financial institution, any other felony offenses under this
16 Code.

17 (i) Organizer of a continuing financial crimes enterprise.

18 (1) A person commits being an organizer of a continuing
19 financial crimes enterprise when he or she:

20 (A) with the intent to commit any offense under
21 this Section, or, if involving a financial
22 institution, any other felony offense under this Code,
23 agrees with another person to the commission of that
24 offense on 3 or more separate occasions within an
25 18-month period; and

26 (B) with respect to the other persons within the

1 conspiracy, occupies a position of organizer,
2 supervisor, or financier or other position of
3 management.

4 (2) The person with whom the accused agreed to commit
5 the 3 or more offenses under this Section, or, if involving
6 a financial institution, any other felony offenses under
7 this Code, need not be the same person or persons for each
8 offense, as long as the accused was a part of the common
9 scheme or plan to engage in each of the 3 or more alleged
10 offenses.

11 (j) Sentence.

12 (1) Except as otherwise provided in this subsection, a
13 violation of this Section, the full value of which:

14 (A) does not exceed \$300, is a Class A misdemeanor;

15 (B) does not exceed \$300, and the person has been
16 previously convicted of a financial crime or any type
17 of theft, robbery, armed robbery, burglary,
18 residential burglary, possession of burglary tools, or
19 home invasion, is guilty of a Class 4 felony;

20 (C) exceeds \$300 but does not exceed \$10,000, is a
21 Class 3 felony;

22 (D) exceeds \$10,000 but does not exceed \$100,000,
23 is a Class 2 felony;

24 (E) exceeds \$100,000, is a Class 1 felony.

25 (2) A violation of subsection (f) is a Class 1 felony.

26 (3) A violation of subsection (h) is a Class 1 felony.

1 (4) A violation for subsection (i) is a Class X felony.

2 (k) A "financial crime" means an offense described in this
3 Section.

4 (l) Period of limitations. The period of limitations for
5 prosecution of any offense defined in this Section begins at
6 the time when the last act in furtherance of the offense is
7 committed.

8 (720 ILCS 5/17-10.7 new)

9 Sec. 17-10.7. Insurance claims for excessive charges.

10 (a) A person who sells goods or services commits insurance
11 claims for excessive charges if:

12 (1) the person knowingly advertises or promises to
13 provide the goods or services and to pay:

14 (A) all or part of any applicable insurance
15 deductible; or

16 (B) a rebate in an amount equal to all or part of
17 any applicable insurance deductible;

18 (2) the goods or services are paid for by the consumer
19 from proceeds of a property or casualty insurance policy;
20 and

21 (3) the person knowingly charges an amount for the
22 goods or services that exceeds the usual and customary
23 charge by the person for the goods or services by an amount
24 equal to or greater than all or part of the applicable
25 insurance deductible paid by the person to an insurer on

1 behalf of an insured or remitted to an insured by the
2 person as a rebate.

3 (b) A person who is insured under a property or casualty
4 insurance policy commits insurance claims for excessive
5 charges if the person knowingly:

6 (1) submits a claim under the policy based on charges
7 that are in violation of subsection (a) of this Section; or

8 (2) knowingly allows a claim in violation of subsection
9 (a) of this Section to be submitted, unless the person
10 promptly notifies the insurer of the excessive charges.

11 (c) Sentence. A violation of this Section is a Class A
12 misdemeanor.

13 (720 ILCS 5/Art. 17, Subdiv. 20 heading new)

14 SUBDIVISION 20. FRAUDULENT TAMPERING

15 (720 ILCS 5/17-11) (from Ch. 38, par. 17-11)

16 Sec. 17-11. Odometer or hour meter fraud ~~Fraud. A Any~~
17 person commits odometer or hour meter fraud when he or she
18 disconnects, resets, or alters, or causes ~~who shall, with~~
19 ~~intent to defraud another, disconnect, reset, or alter, or~~
20 ~~cause~~ to be disconnected, reset, or altered, the odometer of
21 any used motor vehicle or the hour meter of any used farm
22 implement ~~with the intent~~ to conceal or change the actual miles
23 driven or hours of operation with the intent to defraud
24 another. A violation of this Section is ~~shall be guilty of a~~

1 Class A misdemeanor. A ~~person convicted of a~~ second or
2 subsequent violation ~~is of this Section shall be guilty of a~~
3 Class 4 felony. This Section ~~does shall~~ not apply to legitimate
4 ~~business~~ practices of automotive or implement parts recyclers
5 who recycle used odometers or hour meters for resale.

6 (Source: P.A. 84-1391; 84-1438.)

7 (720 ILCS 5/17-11.2)

8 Sec. 17-11.2. Installation of object in lieu of air bag. A
9 ~~Any~~ person commits installation of object in lieu of airbag
10 when he or she, who for consideration, knowingly installs or
11 reinstalls in a vehicle any object in lieu of an air bag that
12 was designed in accordance with federal safety regulations for
13 the make, model, and year of the vehicle as part of a vehicle
14 inflatable restraint system. A violation of this Section is
15 ~~guilty of~~ a Class A misdemeanor.

16 (Source: P.A. 92-809, eff. 1-1-03.)

17 (720 ILCS 5/17-11.5) (was 720 ILCS 5/16-22)

18 Sec. 17-11.5 ~~16-22~~. Tampering with a security, fire, or
19 life safety system.

20 (a) A person commits ~~the offense of~~ tampering with a
21 security, fire, or life safety system when he or she knowingly
22 damages, sabotages, destroys, or causes a permanent or
23 temporary malfunction in any physical or electronic security,
24 fire, or life safety system or any component part of any of

1 those systems including, but not limited to, card readers,
2 magnetic stripe readers, Wiegand card readers, smart card
3 readers, proximity card readers, digital keypads, keypad
4 access controls, digital locks, electromagnetic locks,
5 electric strikes, electronic exit hardware, exit alarm
6 systems, delayed egress systems, biometric access control
7 equipment, intrusion detection systems and sensors, burglar
8 alarm systems, wireless burglar alarms, silent alarms, duress
9 alarms, hold-up alarms, glass break detectors, motion
10 detectors, seismic detectors, glass shock sensors, magnetic
11 contacts, closed circuit television (CCTV), security cameras,
12 digital cameras, dome cameras, covert cameras, spy cameras,
13 hidden cameras, wireless cameras, network cameras, IP
14 addressable cameras, CCTV camera lenses, video cassette
15 recorders, CCTV monitors, CCTV consoles, CCTV housings and
16 enclosures, CCTV pan-and-tilt devices, CCTV transmission and
17 signal equipment, wireless video transmitters, wireless video
18 receivers, radio frequency (RF) or microwave components, or
19 both, infrared illuminators, video motion detectors, video
20 recorders, time lapse CCTV recorders, digital video recorders
21 (DVRs), digital image storage systems, video converters, video
22 distribution amplifiers, video time-date generators,
23 multiplexers, switchers, splitters, fire alarms, smoke alarm
24 systems, smoke detectors, flame detectors, fire detection
25 systems and sensors, fire sprinklers, fire suppression
26 systems, fire extinguishing systems, public address systems,

1 intercoms, emergency telephones, emergency call boxes,
2 emergency pull stations, telephone entry systems, video entry
3 equipment, annunciators, sirens, lights, sounders, control
4 panels and components, and all associated computer hardware,
5 computer software, control panels, wires, cables, connectors,
6 electromechanical components, electronic modules, fiber
7 optics, filters, passive components, and power sources
8 including batteries and back-up power supplies.

9 (b) Sentence. A violation of this Section is a Class 4
10 felony.

11 (Source: P.A. 94-707, eff. 6-1-06.)

12 (720 ILCS 5/17-13)

13 Sec. 17-13. Fraud in transfers of real and personal
14 property ~~Fraudulent land sales.~~

15 (a) Conditional sale; sale without consent of title holder.
16 No person purchasing personal property under a conditional
17 sales contract shall, during the existence of such conditional
18 sales contract and before the conditions thereof have been
19 fulfilled, knowingly sell, transfer, conceal, or in any manner
20 dispose of such property, or cause or allow the same to be
21 done, without the written consent of the holder of title.

22 (b) Acknowledgment of fraudulent conveyance. No officer
23 authorized to take the proof and acknowledgment of a conveyance
24 of real or personal property or other instrument shall
25 knowingly certify that the conveyance or other instrument was

1 duly proven or acknowledged by a party to the conveyance or
2 other instrument when no such acknowledgment or proof was made,
3 or was not made at the time it was certified to have been made,
4 with intent to injure or defraud or to enable any other person
5 to injure or defraud.

6 (c) Fraudulent land sales. No ~~A~~ person, after once selling,
7 bartering, or disposing of a tract or tracts of land or a~~town~~
8 lot or lots, or executing a bond or agreement for the sale of
9 lands ~~or a~~ town lot or lots, shall ~~who~~ again knowingly and
10 with intent to defraud sell, barter, or dispose fraudulently
11 ~~sells, barter, or disposes~~ of the same tract or tracts of
12 land ~~or town lot or lots,~~ or any part ~~parts~~ of those tracts of
13 land or ~~town lot or lots,~~ or knowingly and with intent to
14 defraud execute fraudulently executes a bond or agreement to
15 sell, barter, or dispose of the same land ~~or lot or lots,~~ or
16 any part of that land or ~~lot or lots,~~ to any other person for a
17 valuable consideration ~~is guilty of a Class 3 felony.~~

18 (d) Sentence. A violation of subsection (a) of this Section
19 is a Class A misdemeanor. A violation of subsection (b) of this
20 Section is a Class 4 felony. A violation of subsection (c) of
21 this Section is a Class 3 felony.

22 (Source: P.A. 89-234, eff. 1-1-96.)

23 (720 ILCS 5/17-17)

24 Sec. 17-17. Fraud in ~~Fraudulent issuance of~~ stock
25 transactions.

1 (a) No ~~Every president, cashier, treasurer, secretary, or~~
2 ~~other officer, director, or~~ and every agent, attorney, servant,
3 ~~or employee~~ of a bank, railroad, ~~or manufacturing~~ or other
4 corporation, nor any ~~and every~~ other person, shall ~~who,~~
5 knowingly ~~and designedly,~~ and with intent to defraud, issue,
6 sell, transfer, assign, or pledge, or cause or procure a
7 ~~person, bank, railroad, or manufacturing or other corporation,~~
8 ~~issues, sells, transfers, assigns, or pledges, or causes or~~
9 ~~procures~~ to be issued, sold, transferred, assigned, or pledged,
10 any false, fraudulent, or simulated certificate or other
11 evidence of ownership of a share or shares of the capital stock
12 of a bank, railroad, ~~or manufacturing~~ or other corporation, ~~is~~
13 ~~guilty of a Class 3 felony.~~

14 (b) No officer, director, or agent of a bank, railroad, or
15 other corporation shall knowingly sign, with intent to issue,
16 sell, pledge, or cause to be issued, sold, or pledged, any
17 false, fraudulent, or simulated certificate or other evidence
18 of the ownership or transfer of a share or shares of the
19 capital stock of that corporation, or an instrument purporting
20 to be a certificate or other evidence of the ownership or
21 transfer, the signing, issuing, selling, or pledging of which
22 by the officer, director, or agent is not authorized by law.

23 (c) Sentence. A violation of this Section is a Class 3
24 felony.

25 (Source: P.A. 89-234, eff. 1-1-96.)

1 (720 ILCS 5/17-20)

2 Sec. 17-20. Obstructing gas, water, or ~~and~~ electric current
3 meters. A person commits obstructing gas, water, or electric
4 current meters when he or she knowingly, and ~~who,~~ with intent
5 to injure or defraud a company, body corporate, copartnership,
6 or individual, injures, alters, obstructs, or prevents the
7 action of a meter provided for the purpose of measuring and
8 registering the quantity of gas, water, or electric current
9 consumed by or at a burner, orifice, or place, or supplied to a
10 lamp, motor, machine, or appliance, or causes, procures, or
11 aids the injuring or altering of any such meter or the
12 obstruction or prevention of its action, or makes or causes to
13 be made with a gas pipe, water pipe, or electrical conductor
14 any connection so as to conduct or supply illumination or
15 inflammable gas, water, or electric current to any burner,
16 orifice, lamp, motor, or other machine or appliance from which
17 the gas, water, or electricity may be consumed or utilized
18 without passing through or being registered by a meter or
19 without the consent or acquiescence of the company, municipal
20 corporation, body corporate, copartnership, or individual
21 furnishing or transmitting the gas, water, or electric current
22 through the gas pipe, water pipe, or electrical conductor. A
23 violation of this Section, ~~is guilty of~~ a Class B misdemeanor.

24 (Source: P.A. 89-234, eff. 1-1-96.)

25 (720 ILCS 5/17-21)

1 Sec. 17-21. Obstructing service meters. A person commits
2 obstructing service meters when he or she knowingly, and ~~who,~~
3 with the intent to defraud, tampers with, alters, obstructs or
4 prevents the action of a meter, register, or other counting
5 device that is a part of a mechanical or electrical machine,
6 equipment, or device that measures service, without the consent
7 of the owner of the machine, equipment, or device. A violation
8 of this Section, ~~is guilty of~~ a Class B misdemeanor.

9 (Source: P.A. 89-234, eff. 1-1-96.)

10 (720 ILCS 5/17-24)

11 Sec. 17-24. Mail fraud and wire fraud ~~Fraudulent schemes~~
12 ~~and artifices.~~

13 (a) Mail fraud. A person commits mail fraud when he or she:

14 (1) devises or intends to devise any scheme or artifice
15 to defraud, or to obtain money or property by means of
16 false or fraudulent pretenses, representations, or
17 promises, or to sell, dispose of, loan, exchange, alter,
18 give away, distribute, supply, or furnish or procure for
19 unlawful use any counterfeit obligation, security, or
20 other article, or anything represented to be or intimated
21 or held out to be such a counterfeit or spurious article;
22 and

23 (2) with the intent to execute such scheme or artifice
24 or to attempt to do so, does any of the following:

25 (A) Places in any post office or authorized

1 depository for mail matter within this State any matter
2 or thing to be delivered by the United States Postal
3 Service, according to the direction on the matter or
4 thing.

5 (B) Deposits or causes to be deposited in this
6 State any matter or thing to be sent or delivered by
7 mail or by private or commercial carrier, according to
8 the direction on the matter or thing.

9 (C) Takes or receives from mail or from a private
10 or commercial carrier any such matter or thing at the
11 place at which it is directed to be delivered by the
12 person to whom it is addressed.

13 (D) Knowingly causes any such matter or thing to be
14 delivered by mail or by private or commercial carrier,
15 according to the direction on the matter or thing.

16 (b) Wire fraud. ~~(a) Fraud by wire, radio, or television.~~

17 ~~(1)~~ A person commits wire fraud when he or she:

18 (1) ~~(A)~~ devises or intends to devise a scheme or
19 artifice to defraud or to obtain money or property by means
20 of false pretenses, representations, or promises; and

21 (2) for the purpose of executing the scheme or
22 artifice, ~~(B) (i)~~ transmits or causes to be transmitted any
23 writings, signals, pictures, sounds, or electronic or
24 electric impulses by means of wire, radio, or television
25 communications:

26 (A) from within this State; or

1 (B) ~~(ii) transmits or causes to be transmitted~~ so
2 that the transmission ~~it~~ is received by a person within
3 this State; or

4 (C) ~~(iii) transmits or causes to be transmitted~~ so
5 that the transmission may ~~it is reasonably foreseeable~~
6 ~~that it will~~ be accessed by a person within this State.

7 ÷

8 ~~any writings, signals, pictures, sounds, or electronic or~~
9 ~~electric impulses by means of wire, radio, or television~~
10 ~~communications for the purpose of executing the scheme or~~
11 ~~artifice.~~

12 (c) Jurisdiction.

13 (1) Mail fraud using a government or private carrier
14 occurs in the county in which mail or other matter is
15 deposited with the United States Postal Service or a
16 private commercial carrier for delivery, if deposited with
17 the United States Postal Service or a private or commercial
18 carrier within this State, and the county in which a person
19 within this State receives the mail or other matter from
20 the United States Postal Service or a private or commercial
21 carrier.

22 (2) Wire fraud occurs ~~A scheme or artifice to defraud~~
23 ~~using electronic transmissions is deemed to occur~~ in the
24 county from which a transmission is sent, if the
25 transmission is sent from within this State, the county in
26 which a person within this State receives the transmission,

1 and the county in which a person who is within this State
2 is located when the person accesses a transmission.

3 (d) Sentence. A violation of this Section is a Class 3
4 felony.

5 ~~(3) Wire fraud is a Class 3 felony.~~

6 ~~(b) Mail fraud.~~

7 ~~(1) A person commits mail fraud when he or she:~~

8 ~~(A) devises or intends to devise any scheme or~~
9 ~~artifice to defraud or to obtain money or property by~~
10 ~~means of false or fraudulent pretenses,~~
11 ~~representations or promises, or to sell, dispose of,~~
12 ~~loan, exchange, alter, give away, distribute, supply,~~
13 ~~or furnish or procure for unlawful use any counterfeit~~
14 ~~obligation, security, or other article, or anything~~
15 ~~represented to be or intimidated or held out to be such~~
16 ~~counterfeit or spurious article; and~~

17 ~~(B) for the purpose of executing such scheme or~~
18 ~~artifice or attempting so to do, places in any post~~
19 ~~office or authorized depository for mail matter within~~
20 ~~this State, any matter or thing whatever to be~~
21 ~~delivered by the Postal Service, or deposits or causes~~
22 ~~to be deposited in this State by mail or by private or~~
23 ~~commercial carrier according to the direction on the~~
24 ~~matter or thing, or at the place at which it is~~
25 ~~directed to be delivered by the person to whom it is~~
26 ~~addressed, any such matter or thing.~~

1 ~~(2) A scheme or artifice to defraud using a government~~
2 ~~or private carrier is deemed to occur in the county in~~
3 ~~which mail or other matter is deposited with the Postal~~
4 ~~Service or a private commercial carrier for delivery, if~~
5 ~~deposited with the Postal Service or a private or~~
6 ~~commercial carrier within this State and the county in~~
7 ~~which a person within this State receives the mail or other~~
8 ~~matter from the Postal Service or a private or commercial~~
9 ~~carrier.~~

10 ~~(3) Mail fraud is a Class 3 felony.~~

11 ~~(c) (Blank).~~

12 ~~(d)~~ The period of limitations for prosecution of any
13 offense defined in this Section begins at the time when the
14 last act in furtherance of the scheme or artifice is committed.

15 ~~(e) In this Section:~~

16 ~~(1) "Scheme or artifice to defraud" includes a scheme~~
17 ~~or artifice to deprive another of the intangible right to~~
18 ~~honest services.~~

19 ~~(2) (Blank).~~

20 (Source: P.A. 92-16, eff. 6-28-01; 93-440, eff. 8-5-03; revised
21 11-4-09.)

22 (720 ILCS 5/17-26)

23 Sec. 17-26. Misconduct by a corporate official.

24 (a) A person commits misconduct by a corporate official ~~is~~
25 ~~guilty of a crime~~ when:

1 (1) being a director of a corporation, he or she
2 knowingly, with the intent ~~a purpose~~ to defraud, concurs in
3 any vote or act of the directors of the corporation, or any
4 of them, which has the purpose of:

5 (A) making a dividend except in the manner provided
6 by law;

7 (B) dividing, withdrawing or in any manner paying
8 any stockholder any part of the capital stock of the
9 corporation except in the manner provided by law;

10 (C) discounting or receiving any note or other
11 evidence of debt in payment of an installment of
12 capital stock actually called in and required to be
13 paid, or with purpose of providing the means of making
14 such payment;

15 (D) receiving or discounting any note or other
16 evidence of debt with the purpose of enabling any
17 stockholder to withdraw any part of the money paid in
18 by him or her on his or her stock; or

19 (E) applying any portion of the funds of such
20 corporation, directly or indirectly, to the purchase
21 of shares of its own stock, except in the manner
22 provided by law; or

23 (2) being a director or officer of a corporation, he or
24 she, with the intent ~~purpose~~ to defraud:

25 (A) issues, participates in issuing, or concurs in
26 a vote to issue any increase of its capital stock

1 beyond the amount of the capital stock thereof, duly
2 authorized by or in pursuance of law;

3 (B) sells, or agrees to sell, or is directly
4 interested in the sale of any share of stock of such
5 corporation, or in any agreement to sell such stock,
6 unless at the time of the sale or agreement he or she
7 is an actual owner of such share, provided that the
8 foregoing shall not apply to a sale by or on behalf of
9 an underwriter or dealer in connection with a bona fide
10 public offering of shares of stock of such corporation;

11 (C) executes a scheme or attempts to execute a
12 scheme to obtain any share of stock of such corporation
13 by means of false representation; or

14 (3) being a director or officer of a corporation, he or
15 she with the intent ~~purpose~~ to defraud or evade a financial
16 disclosure reporting requirement of this State or of
17 Section 13(A) or 15(D) of the Securities Exchange Act of
18 1934, as amended, 15 U. S. C. 78M(A) or 78O(D), ~~he~~:

19 (A) causes or attempts to cause a corporation or
20 accounting firm representing the corporation or any
21 other individual or entity to fail to file a financial
22 disclosure report as required by State or federal law;
23 or

24 (B) causes or attempts to cause a corporation or
25 accounting firm representing the corporation or any
26 other individual or entity to file a financial

1 disclosure report, as required by State or federal law,
2 that contains a material omission or misstatement of
3 fact.

4 (b) Sentence. If the benefit derived from a violation of
5 this Section is \$500,000 or more, the violation ~~offender~~ is
6 ~~guilty of~~ a Class 2 felony. If the benefit derived from a
7 violation of this Section is less than \$500,000, the violation
8 ~~offender~~ is ~~guilty of~~ a Class 3 felony.

9 (Source: P.A. 93-496, eff. 1-1-04; revised 11-4-09.)

10 (720 ILCS 5/17-27)

11 Sec. 17-27. Fraud on creditors ~~in insolvency~~.

12 (a) Fraud in insolvency. A person commits fraud in
13 insolvency when ~~a crime if~~, knowing that proceedings have or
14 are about to be instituted for the appointment of a receiver or
15 other person entitled to administer property for the benefit of
16 creditors, or that any other composition or liquidation for the
17 benefit of creditors has been or is about to be made, he or
18 she:

19 (1) destroys, removes, conceals, encumbers, transfers,
20 or otherwise deals with any property or obtains any
21 substantial part of or interest in the debtor's estate with
22 the intent ~~purpose~~ to defeat or obstruct the claim of any
23 creditor, or otherwise to obstruct the operation of any law
24 relating to administration of property for the benefit of
25 creditors;

1 (2) knowingly falsifies any writing or record relating
2 to the property; or

3 (3) knowingly misrepresents or refuses to disclose to a
4 receiver or other person entitled to administer property
5 for the benefit of creditors, the existence, amount, or
6 location of the property, or any other information which
7 the actor could be legally required to furnish in relation
8 to such administration.

9 Sentence. ~~(b)~~ If the benefit derived from a violation of
10 this subsection (a) Section is \$500,000 or more, the violation
11 ~~offender~~ is ~~guilty of~~ a Class 2 felony. If the benefit derived
12 from a violation of this subsection (a) Section is less than
13 \$500,000, the violation offender is ~~guilty of~~ a Class 3 felony.

14 (b) Fraud in property transfer. A person commits fraud in
15 property transfer when he or she transfers or conveys any
16 interest in property with the intent to defraud, defeat,
17 hinder, or delay his or her creditors. A violation of this
18 subsection (b) is a business offense subject to a fine not to
19 exceed \$1,000.

20 (Source: P.A. 93-496, eff. 1-1-04.)

21 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

22 Sec. 17-30 ~~16C-2~~. Defaced, altered, or removed
23 manufacturer or owner identification number.

24 (a) Unlawful sale of household appliances. A person commits
25 ~~the offense of~~ unlawful sale of household appliances when he or

1 she knowingly, with the intent to defraud or deceive another,
2 keeps for sale, within any commercial context, any household
3 appliance with a missing, defaced, obliterated, or otherwise
4 altered manufacturer's identification number.

5 (b) Construction equipment identification defacement. A
6 person commits construction equipment identification
7 defacement when he or she knowingly changes, alters, removes,
8 mutilates, or obliterates a permanently affixed serial number,
9 product identification number, part number, component
10 identification number, owner-applied identification, or other
11 mark of identification attached to or stamped, inscribed,
12 molded, or etched into a machine or other equipment, whether
13 stationary or mobile or self-propelled, or a part of such
14 machine or equipment, used in the construction, maintenance, or
15 demolition of buildings, structures, bridges, tunnels, sewers,
16 utility pipes or lines, ditches or open cuts, roads, highways,
17 dams, airports, or waterways or in material handling for such
18 projects.

19 The trier of fact may infer that the defendant has
20 knowingly changed, altered, removed, or obliterated the serial
21 number, product identification number, part number, component
22 identification number, owner-applied identification number, or
23 other mark of identification, if the defendant was in
24 possession of any machine or other equipment or a part of such
25 machine or equipment used in the construction, maintenance, or
26 demolition of buildings, structures, bridges, tunnels, sewers,

1 utility pipes or lines, ditches or open cuts, roads, highways,
2 dams, airports, or waterways or in material handling for such
3 projects upon which any such serial number, product
4 identification number, part number, component identification
5 number, owner-applied identification number, or other mark of
6 identification has been changed, altered, removed, or
7 obliterated.

8 (c) Defacement of manufacturer's serial number or
9 identification mark. A person commits defacement of a
10 manufacturer's serial number or identification mark when he or
11 she removes, alters, defaces, covers, or destroys the
12 manufacturer's serial number or any other manufacturer's
13 number or distinguishing identification mark upon any machine
14 or other article of merchandise, other than a motor vehicle as
15 defined in Section 1-146 of the Illinois Vehicle Code or a
16 firearm as defined in the Firearm Owners Identification Card
17 Act, with the intent of concealing or destroying the identity
18 of such machine or other article of merchandise.

19 (d) Sentence.

20 (1) A violation of subsection (a) ~~(b)~~ Violation of this
21 Section is a Class 4 felony, if the value of the appliance
22 or appliances exceeds \$1,000 and a Class B misdemeanor if
23 the value of the appliance or appliances is \$1,000 or less.

24 (2) A violation of subsection (b) of this Section is a
25 Class A misdemeanor.

26 (3) A violation of subsection (c) of this Section is a

1 Class B misdemeanor.

2 (c) No liability shall be imposed upon any person for the
3 unintentional failure to comply with this Section.

4 (e) Definitions. In this Section:

5 "Commercial context" means a continuing business
6 enterprise conducted for profit by any person whose primary
7 business is the wholesale or retail marketing of household
8 appliances, or a significant portion of whose business or
9 inventory consists of household appliances kept or sold on a
10 wholesale or retail basis.

11 "Household appliance" means any gas or electric device or
12 machine marketed for use as home entertainment or for
13 facilitating or expediting household tasks or chores. The term
14 shall include but not necessarily be limited to refrigerators,
15 freezers, ranges, radios, television sets, vacuum cleaners,
16 toasters, dishwashers, and other similar household items.

17 "Manufacturer's identification number" means any serial
18 number or other similar numerical or alphabetical designation
19 imprinted upon or attached to or placed, stamped, or otherwise
20 imprinted upon or attached to a household appliance or item by
21 the manufacturer for purposes of identifying a particular
22 appliance or item individually or by lot number.

23 (Source: P.A. 87-435.)

24 (720 ILCS 5/Art. 17, Subdiv. 25 heading new)

25 SUBDIVISION 25. CREDIT AND DEBIT CARD FRAUD

1 (720 ILCS 5/17-31 new)

2 Sec. 17-31. False statement to procure credit or debit
3 card. A person commits false statement to procure credit or
4 debit card when he or she makes or causes to be made, either
5 directly or indirectly, any false statement in writing, knowing
6 it to be false and with the intent that it be relied on,
7 respecting his or her identity, his or her address, or his or
8 her employment, or that of any other person, firm, or
9 corporation, with the intent to procure the issuance of a
10 credit card or debit card. A violation of this Section is a
11 Class 4 felony.

12 (720 ILCS 5/17-32 new)

13 Sec. 17-32. Possession of another's credit, debit, or
14 identification card.

15 (a) Possession of another's identification card. A person
16 commits possession of another's identification card when he or
17 she, with the intent to defraud, possesses any check guarantee
18 card or key card or identification card for cash dispensing
19 machines without the authority of the account holder or
20 financial institution.

21 (b) Possession of another's credit or debit card. A person
22 commits possession of another's credit or debit card when he or
23 she receives a credit card or debit card from the person,
24 possession, custody, or control of another without the

1 cardholder's consent or if he or she, with knowledge that it
2 has been so acquired, receives the credit card or debit card
3 with the intent to use it or to sell it, or to transfer it to a
4 person other than the issuer or the cardholder. The trier of
5 fact may infer that a person who has in his or her possession
6 or under his or her control 2 or more such credit cards or
7 debit cards each issued to a cardholder other than himself or
8 herself has violated this Section.

9 (c) Sentence.

10 (1) A violation of subsection (a) of this Section is a
11 Class A misdemeanor. A person who, within any 12-month
12 period, violates subsection (a) of this Section at the same
13 time or consecutively with respect to 3 or more cards, each
14 the property of different account holders, is guilty of a
15 Class 4 felony. A person convicted under subsection (a) of
16 this Section, when the value of property so obtained, in a
17 single transaction or in separate transactions within any
18 90-day period, exceeds \$150 is guilty of a Class 4 felony.

19 (2) A violation of subsection (b) of this Section is a
20 Class 4 felony. A person who, in any 12-month period,
21 violates subsection (b) of this Section with respect to 3
22 or more credit cards or debit cards each issued to a
23 cardholder other than himself or herself is guilty of a
24 Class 3 felony.

1 Sec. 17-33. Possession of lost or mislaid credit or debit
2 card. A person who receives a credit card or debit card that he
3 or she knows to have been lost or mislaid and who retains
4 possession with intent to use it or to sell it or to transfer
5 it to a person other than the issuer or the cardholder is
6 guilty of a Class 4 felony.

7 A person who, in a single transaction, violates this
8 Section with respect to 3 or more credit cards or debit cards
9 each issued to different cardholders other than himself or
10 herself is guilty of a Class 3 felony.

11 (720 ILCS 5/17-34 new)

12 Sec. 17-34. Sale of credit or debit card. A person other
13 than the issuer who sells a credit card or debit card, without
14 the consent of the issuer, is guilty of a Class 4 felony.

15 A person who knowingly purchases a credit card or debit
16 card from a person other than the issuer, without the consent
17 of the issuer, is guilty of a Class 4 felony.

18 A person who, in a single transaction, makes a sale or
19 purchase prohibited by this Section with respect to 3 or more
20 credit cards or debit cards each issued to a cardholder other
21 than himself or herself is guilty of a Class 3 felony.

22 (720 ILCS 5/17-35 new)

23 Sec. 17-35. Use of credit or debit card as security for
24 debt. A person who, with intent to defraud either the issuer,

1 or a person providing an item or items of value, or any other
2 person, obtains control over a credit card or debit card as
3 security for debt or transfers, conveys, or gives control over
4 a credit card or debit card as security for debt is guilty of a
5 Class 4 felony.

6 (720 ILCS 5/17-36 new)

7 Sec. 17-36. Use of counterfeited, forged, expired,
8 revoked, or unissued credit or debit card. A person who, with
9 intent to defraud either the issuer, or a person providing an
10 item or items of value, or any other person, (i) uses, with the
11 intent to obtain an item or items of value, a credit card or
12 debit card obtained or retained in violation of this
13 Subdivision 25 or without the cardholder's consent, or a credit
14 card or debit card which he or she knows is counterfeited, or
15 forged, or expired, or revoked or (ii) obtains or attempts to
16 obtain an item or items of value by representing without the
17 consent of the cardholder that he or she is the holder of a
18 specified card or by representing that he or she is the holder
19 of a card and such card has not in fact been issued is guilty of
20 a Class 4 felony if the value of all items of value obtained or
21 sought in violation of this Section does not exceed \$300 in any
22 6-month period; and is guilty of a Class 3 felony if the value
23 exceeds \$300 in any 6-month period. The trier of fact may infer
24 that knowledge of revocation has been received by a cardholder
25 4 days after it has been mailed to him or her at the address set

1 forth on the credit card or debit card or at his or her last
2 known address by registered or certified mail, return receipt
3 requested, and, if the address is more than 500 miles from the
4 place of mailing, by air mail. The trier of fact may infer that
5 notice was received 10 days after mailing by registered or
6 certified mail if the address is located outside the United
7 States, Puerto Rico, the Virgin Islands, the Canal Zone, and
8 Canada.

9 (720 ILCS 5/17-37 new)

10 Sec. 17-37. Use of credit or debit card with intent to
11 defraud. A cardholder who uses a credit card or debit card
12 issued to him or her, or allows another person to use a credit
13 card or debit card issued to him or her, with intent to defraud
14 the issuer, or a person providing an item or items of value, or
15 any other person is guilty of a Class A misdemeanor if the
16 value of all items of value does not exceed \$150 in any 6-month
17 period; and is guilty of a Class 4 felony if the value exceeds
18 \$150 in any 6-month period.

19 (720 ILCS 5/17-38 new)

20 Sec. 17-38. Use of account number or code with intent to
21 defraud; possession of record of charge forms.

22 (a) A person who, with intent to defraud either an issuer,
23 or a person providing an item or items of value, or any other
24 person, utilizes an account number or code or enters

1 information on a record of charge form with the intent to
2 obtain an item or items of value is guilty of a Class 4 felony
3 if the value of the item or items of value obtained does not
4 exceed \$150 in any 6-month period; and is guilty of a Class 3
5 felony if the value exceeds \$150 in any 6-month period.

6 (b) A person who, with intent to defraud either an issuer
7 or a person providing an item or items of value, or any other
8 person, possesses, without the consent of the issuer or
9 purported issuer, record of charge forms bearing the printed
10 impression of a credit card or debit card is guilty of a Class
11 4 felony. The trier of fact may infer intent to defraud from
12 the possession of such record of charge forms by a person other
13 than the issuer or a person authorized by the issuer to possess
14 record of charge forms.

15 (720 ILCS 5/17-39 new)

16 Sec. 17-39. Receipt of goods or services. A person who
17 receives an item or items of value obtained in violation of
18 this Subdivision 25, knowing that it was so obtained or under
19 such circumstances as would reasonably induce him or her to
20 believe that it was so obtained, is guilty of a Class A
21 misdemeanor if the value of all items of value obtained does
22 not exceed \$150 in any 6-month period; and is guilty of a Class
23 4 felony if the value exceeds \$150 in any 6-month period.

24 (720 ILCS 5/17-40 new)

1 Sec. 17-40. Signing another's card with intent to defraud.
2 A person other than the cardholder or a person authorized by
3 him or her who, with intent to defraud either the issuer, or a
4 person providing an item or items of value, or any other
5 person, signs a credit card or debit card is guilty of a Class
6 A misdemeanor.

7 (720 ILCS 5/17-41 new)

8 Sec. 17-41. Altered or counterfeited card.
9 (a) A person commits an offense under this Section when he
10 or she, with intent to defraud either a purported issuer, or a
11 person providing an item or items of value, or any other
12 person, commits an offense under this Section if he or she: (i)
13 alters a credit card or debit card or a purported credit card
14 or debit card, or possesses a credit card or debit card or a
15 purported credit card or debit card with knowledge that the
16 same has been altered; or (ii) counterfeits a purported credit
17 card or debit card, or possesses a purported credit card or
18 debit card with knowledge that the card has been counterfeited.

19 (b) Sentence. A violation of item (i) of subsection (a) is
20 a Class 4 felony. A violation of item (ii) of subsection (a) is
21 a Class 3 felony. The trier of fact may infer that possession
22 of 2 or more credit cards or debit cards by a person other than
23 the issuer in violation of subsection (a) is evidence that the
24 person intended to defraud or that he or she knew the credit
25 cards or debit cards to have been so altered or counterfeited.

1 (720 ILCS 5/17-42 new)

2 Sec. 17-42. Possession of incomplete card. A person other
3 than the cardholder possessing an incomplete credit card or
4 debit card, with intent to complete it without the consent of
5 the issuer or a person possessing, with knowledge of its
6 character, machinery, plates, or any other contrivance
7 designed to reproduce instruments purporting to be credit cards
8 or debit cards of an issuer who has not consented to the
9 preparation of such credit cards or debit cards is guilty of a
10 Class 3 felony. The trier of fact may infer that a person other
11 than the cardholder or issuer who possesses 2 or more
12 incomplete credit cards or debit cards possesses those cards
13 without the consent of the issuer.

14 (720 ILCS 5/17-43 new)

15 Sec. 17-43. Prohibited deposits.

16 (a) A person who, with intent to defraud the issuer of a
17 credit card or debit card or any person providing an item or
18 items of value, or any other person, deposits into his or her
19 account or any account, via an electronic fund transfer
20 terminal, a check, draft, money order, or other such document,
21 knowing such document to be false, fictitious, forged, altered,
22 counterfeit, or not his or her lawful or legal property, is
23 guilty of a Class 4 felony.

24 (b) A person who receives value as a result of a false,

1 fictitious, forged, altered, or counterfeit check, draft,
2 money order, or other such document having been deposited into
3 an account via an electronic fund transfer terminal, knowing at
4 the time of receipt of the value that the document so deposited
5 was false, fictitious, forged, altered, counterfeit, or not his
6 or her lawful or legal property, is guilty of a Class 4 felony.

7 (720 ILCS 5/17-44 new)

8 Sec. 17-44. Fraudulent use of electronic transmission.

9 (a) A person who, with intent to defraud the issuer of a
10 credit card or debit card, the cardholder, or any other person,
11 intercepts, taps, or alters electronic information between an
12 electronic fund transfer terminal and the issuer, or originates
13 electronic information to an electronic fund transfer terminal
14 or to the issuer, via any line, wire, or other means of
15 electronic transmission, at any junction, terminal, or device,
16 or at any location within the EFT System, with the intent to
17 obtain value, is guilty of a Class 4 felony.

18 (b) Any person who, with intent to defraud the issuer of a
19 credit card or debit card, the cardholder, or any other person,
20 intercepts, taps, or alters electronic information between an
21 electronic fund transfer terminal and the issuer, or originates
22 electronic information to an electronic fund transfer terminal
23 or to the issuer, via any line, wire, or other means of
24 electronic transmission, at any junction, terminal, or device,
25 or at any location within the EFT System, and thereby causes

1 funds to be transferred from one account to any other account,
2 is guilty of a Class 4 felony.

3 (720 ILCS 5/17-45 new)

4 Sec. 17-45. Payment of charges without furnishing item of
5 value.

6 (a) No person shall process, deposit, negotiate, or obtain
7 payment of a credit card charge through a retail seller's
8 account with a financial institution or through a retail
9 seller's agreement with a financial institution, card issuer,
10 or organization of financial institutions or card issuers if
11 that retail seller did not furnish or agree to furnish the item
12 or items of value that are the subject of the credit card
13 charge.

14 (b) No retail seller shall permit any person to process,
15 deposit, negotiate, or obtain payment of a credit card charge
16 through the retail seller's account with a financial
17 institution or the retail seller's agreement with a financial
18 institution, card issuer, or organization of financial
19 institutions or card issuers if that retail seller did not
20 furnish or agree to furnish the item or items of value that are
21 the subject of the credit card charge.

22 (c) Subsections (a) and (b) do not apply to any of the
23 following:

24 (1) A person who furnishes goods or services on the
25 business premises of a general merchandise retail seller

1 and who processes, deposits, negotiates, or obtains
2 payment of a credit card charge through that general
3 merchandise retail seller's account or agreement.

4 (2) A general merchandise retail seller who permits a
5 person described in paragraph (1) to process, deposit,
6 negotiate, or obtain payment of a credit card charge
7 through that general merchandise retail seller's account
8 or agreement.

9 (3) A franchisee who furnishes the cardholder with an
10 item or items of value that are provided in whole or in
11 part by the franchisor and who processes, deposits,
12 negotiates, or obtains payment of a credit card charge
13 through that franchisor's account or agreement.

14 (4) A franchisor who permits a franchisee described in
15 paragraph (3) to process, deposit, negotiate, or obtain
16 payment of a credit card charge through that franchisor's
17 account or agreement.

18 (5) The credit card issuer or a financial institution
19 or a parent, subsidiary, or affiliate of the card issuer or
20 a financial institution.

21 (6) A person who processes, deposits, negotiates, or
22 obtains payment of less than \$500 of credit card charges in
23 any one-year period through a retail seller's account or
24 agreement. The person has the burden of producing evidence
25 that the person transacted less than \$500 in credit card
26 charges during any one-year period.

1 (7) A telecommunications carrier that includes charges
2 of other parties in its billings to its subscribers and
3 those other parties whose charges are included in the
4 billings of the telecommunications carrier to its
5 subscribers.

6 (d) A person injured by a violation of this Section may
7 bring an action for the recovery of damages, equitable relief,
8 and reasonable attorney's fees and costs.

9 (e) A person who violates this Section is guilty of a
10 business offense and shall be fined \$10,000 for each offense.
11 Each occurrence in which a person processes, deposits,
12 negotiates, or otherwise seeks to obtain payment of a credit
13 card charge in violation of subsection (a) constitutes a
14 separate offense.

15 (f) The penalties and remedies provided in this Section are
16 in addition to any other remedies or penalties provided by law.

17 (g) As used in this Section:

18 "Franchisor" and "franchisee" have the same meanings as in
19 Section 3 of the Franchise Disclosure Act of 1987.

20 "Retail seller" has the same meaning as in Section 2.4 of
21 the Retail Installment Sales Act.

22 "Telecommunications carrier" has the same meaning as in
23 Section 13-202 of the Public Utilities Act.

24 (720 ILCS 5/17-46 new)

25 Sec. 17-46. Furnishing items of value with intent to

1 defraud. A person who is authorized by an issuer to furnish
2 money, goods, property, services or anything else of value upon
3 presentation of a credit card or debit card by the cardholder,
4 or any agent or employee of such person, who, with intent to
5 defraud the issuer or the cardholder, furnishes money, goods,
6 property, services or anything else of value upon presentation
7 of a credit card or debit card obtained or retained in
8 violation of this Code or a credit card or debit card which he
9 knows is counterfeited, or forged, or expired, or revoked is
10 guilty of a Class A misdemeanor, if the value furnished in
11 violation of this Section does not exceed \$150 in any 6-month
12 period; and is guilty of a Class 4 felony if such value exceeds
13 \$150 in any 6-month period.

14 (720 ILCS 5/17-47 new)

15 Sec. 17-47. Failure to furnish items of value. A person who
16 is authorized by an issuer to furnish money, goods, property,
17 services or anything else of value upon presentation of a
18 credit card or debit card by the cardholder, or any agent or
19 employee of such person, who, with intent to defraud the issuer
20 or the cardholder, fails to furnish money, goods, property,
21 services or anything else of value which he represents in
22 writing to the issuer that he has furnished is guilty of a
23 Class A misdemeanor if the difference between the value of all
24 money, goods, property, services and anything else of value
25 actually furnished and the value represented to the issuer to

1 have been furnished does not exceed \$150 in any 6-month period;
2 and is guilty of a Class 4 felony if such difference exceeds
3 \$150 in any 6-month period.

4 (720 ILCS 5/17-48 new)

5 Sec. 17-48. Repeat offenses. Any person convicted of a
6 second or subsequent offense under this Subdivision 25 is
7 guilty of a Class 3 felony.

8 For purposes of this Section, an offense is considered a
9 second or subsequent offense if, prior to his or her conviction
10 of the offense, the offender has at any time been convicted
11 under this Subdivision 25, or under any prior Act, or under any
12 law of the United States or of any state relating to credit
13 card or debit card offenses.

14 (720 ILCS 5/17-49 new)

15 Sec. 17-49. Severability. If any provision of this
16 Subdivision 25 or its application to any person or
17 circumstances is held invalid, the invalidity shall not affect
18 other provisions or applications of this Subdivision 25 which
19 can be given effect without the invalid provision or
20 application, and to this end the provisions of this Subdivision
21 25 are declared to be severable.

22 (720 ILCS 5/17-49.5 new)

23 Sec. 17-49.5. Telephone Charge Fraud Act unaffected.

1 Nothing contained in this Subdivision 25 shall be construed to
2 repeal, amend, or otherwise affect the Telephone Charge Fraud
3 Act.

4 (720 ILCS 5/Art. 17, Subdiv. 30 heading new)

5 SUBDIVISION 30. COMPUTER FRAUD

6 (720 ILCS 5/17-50) (was 720 ILCS 5/16D-5 and 5/16D-6)

7 Sec. 17-50 ~~16D-5~~. Computer fraud ~~Fraud~~.

8 (a) A person commits ~~the offense of~~ computer fraud when he
9 or she knowingly:

10 (1) Accesses or causes to be accessed a computer or any
11 part thereof, or a program or data, with the intent ~~for the~~
12 ~~purpose~~ of devising or executing any scheme or ~~7~~ artifice to
13 defraud, or as part of a deception;

14 (2) Obtains use of, damages, or destroys a computer or
15 any part thereof, or alters, deletes, or removes any
16 program or data contained therein, in connection with any
17 scheme or ~~7~~ artifice to defraud, or as part of a deception;
18 or

19 (3) Accesses or causes to be accessed a computer or any
20 part thereof, or a program or data, and obtains money or
21 control over any such money, property, or services of
22 another in connection with any scheme or ~~7~~ artifice to
23 defraud, or as part of a deception.

24 (b) Sentence.

1 (1) A violation of subdivision ~~person who commits the~~
2 ~~offense of computer fraud as set forth in subsection~~ (a) (1)
3 of this Section is ~~shall be guilty of~~ a Class 4 felony.

4 (2) A violation of subdivision ~~person who commits the~~
5 ~~offense of computer fraud as set forth in subsection~~ (a) (2)
6 of this Section is ~~shall be guilty of~~ a Class 3 felony.

7 (3) A violation of subdivision ~~person who commits the~~
8 ~~offense of computer fraud as set forth in subsection~~ (a) (3)
9 of this Section ~~shall~~:

10 (i) is ~~be guilty of~~ a Class 4 felony if the value
11 of the money, property, l or services is \$1,000 or less;
12 or

13 (ii) is ~~be guilty of~~ a Class 3 felony if the value
14 of the money, property, l or services is more than \$1,000
15 but less than \$50,000; or

16 (iii) is ~~be guilty of~~ a Class 2 felony if the value
17 of the money, property, l or services is \$50,000 or more.

18 (c) Sec. 16D-6. Forfeiture of property. Any person who
19 commits ~~the offense of~~ computer fraud as set forth in
20 subsection (a) Section 16D-5 is subject to the property
21 forfeiture provisions set forth in Article 124B of the Code of
22 Criminal Procedure of 1963.

23 (Source: P.A. 85-926; 96-712, eff. 1-1-10.)

24 (720 ILCS 5/17-51) (was 720 ILCS 5/16D-3)

25 Sec. 17-51 ~~16D-3~~. Computer tampering ~~Tampering~~.

1 (a) A person commits ~~the offense of~~ computer tampering when
2 he or she knowingly and without the authorization of a
3 computer's owner, ~~as defined in Section 15-2 of this Code,~~ or
4 in excess of the authority granted to him or her:

5 (1) Accesses or causes to be accessed a computer or any
6 part thereof, a computer network, or a program or data;

7 (2) Accesses or causes to be accessed a computer or any
8 part thereof, a computer network, or a program or data, and
9 obtains data or services;

10 (3) Accesses or causes to be accessed a computer or any
11 part thereof, a computer network, or a program or data, and
12 damages or destroys the computer or alters, deletes, or
13 removes a computer program or data;

14 (4) Inserts or attempts to insert a "program" into a
15 computer or computer program knowing or having reason to
16 know ~~believe~~ that such "program" contains information or
17 commands that will or may:

18 (A) damage or destroy that computer, or any other
19 computer subsequently accessing or being accessed by
20 that computer; ~~or that will or may~~

21 (B) alter, delete, or remove a computer program or
22 data from that computer, or any other computer program
23 or data in a computer subsequently accessing or being
24 accessed by that computer; or, ~~or that will or may~~

25 (C) cause loss to the users of that computer or the
26 users of a computer which accesses or which is accessed

1 by such program; or

2 (5) Falsifies or forges electronic mail transmission
3 information or other routing information in any manner in
4 connection with the transmission of unsolicited bulk
5 electronic mail through or into the computer network of an
6 electronic mail service provider or its subscribers.†

7 (a-5) Distributing software to falsify routing
8 information. It is ~~shall be~~ unlawful for any person knowingly
9 to sell, give, or otherwise distribute or possess with the
10 intent to sell, give, or distribute software which:

11 (1) is primarily designed or produced for the purpose
12 of facilitating or enabling the falsification of
13 electronic mail transmission information or other routing
14 information;

15 (2) has only a limited commercially significant
16 purpose or use other than to facilitate or enable the
17 falsification of electronic mail transmission information
18 or other routing information; or

19 (3) is marketed by that person or another acting in
20 concert with that person with that person's knowledge for
21 use in facilitating or enabling the falsification of
22 electronic mail transmission information or other routing
23 information.

24 (a-10) For purposes of subsection (a), accessing a computer
25 network is deemed to be with the authorization of a computer's
26 owner if:

1 (1) the owner authorizes patrons, customers, or guests
2 to access the computer network and the person accessing the
3 computer network is an authorized patron, customer, or
4 guest and complies with all terms or conditions for use of
5 the computer network that are imposed by the owner; or

6 (2) the owner authorizes the public to access the
7 computer network and the person accessing the computer
8 network complies with all terms or conditions for use of
9 the computer network that are imposed by the owner.

10 (b) Sentence.

11 (1) A person who commits ~~the offense of~~ computer
12 tampering as set forth in subdivision ~~subsection~~ (a) (1) or
13 (a) (5) ~~or~~ subsection (a-5) of this Section is ~~shall be~~
14 guilty of a Class B misdemeanor.

15 (2) A person who commits ~~the offense of~~ computer
16 tampering as set forth in subdivision ~~subsection~~ (a) (2) of
17 this Section is ~~shall be~~ guilty of a Class A misdemeanor
18 and a Class 4 felony for the second or subsequent offense.

19 (3) A person who commits ~~the offense of~~ computer
20 tampering as set forth in subdivision ~~subsection~~ (a) (3) or
21 ~~subsection~~ (a) (4) of this Section is ~~shall be~~ guilty of a
22 Class 4 felony and a Class 3 felony for the second or
23 subsequent offense.

24 (4) If an ~~the~~ injury arises from the transmission of
25 unsolicited bulk electronic mail, the injured person,
26 other than an electronic mail service provider, may also

1 recover attorney's fees and costs, and may elect, in lieu
2 of actual damages, to recover the lesser of \$10 for each
3 ~~and every~~ unsolicited bulk electronic mail message
4 transmitted in violation of this Section, or \$25,000 per
5 day. The injured person shall not have a cause of action
6 against the electronic mail service provider that merely
7 transmits the unsolicited bulk electronic mail over its
8 computer network.

9 (5) If an ~~the~~ injury arises from the transmission of
10 unsolicited bulk electronic mail, an injured electronic
11 mail service provider may also recover attorney's fees and
12 costs, and may elect, in lieu of actual damages, to recover
13 the greater of \$10 for each ~~and every~~ unsolicited
14 electronic mail advertisement transmitted in violation of
15 this Section, or \$25,000 per day.

16 (6) The provisions of this Section shall not be
17 construed to limit any person's right to pursue any
18 additional civil remedy otherwise allowed by law.

19 (c) Whoever suffers loss by reason of a violation of
20 paragraph ~~subsection~~ (a)(4) of this Section may, in a civil
21 action against the violator, obtain appropriate relief. In a
22 civil action under this Section, the court may award to the
23 prevailing party reasonable attorney's fees and other
24 litigation expenses.

25 (Source: P.A. 95-326, eff. 1-1-08; revised 11-4-09.)

1 (720 ILCS 5/17-52) (was 720 ILCS 5/16D-4)

2 Sec. 17-52 ~~16D-4~~. Aggravated computer tampering ~~Computer~~
3 ~~Tampering~~.

4 (a) A person commits aggravated computer tampering when he
5 or she commits ~~the offense of~~ computer tampering as set forth
6 in paragraph ~~subsection~~ (a) (3) of Section 17-51 ~~16D-3~~ and he or
7 she knowingly:

8 (1) causes disruption of or interference with vital
9 services or operations of State or local government or a
10 public utility; or

11 (2) creates a strong probability of death or great
12 bodily harm to one or more individuals.

13 (b) Sentence.

14 (1) A person who commits ~~the offense of~~ aggravated
15 computer tampering as set forth in paragraph ~~subsection~~
16 (a)(1) of this Section is ~~shall be~~ guilty of a Class 3
17 felony.

18 (2) A person who commits ~~the offense of~~ aggravated
19 computer tampering as set forth in paragraph ~~subsection~~
20 (a)(2) of this Section is ~~shall be~~ guilty of a Class 2
21 felony.

22 (Source: P.A. 86-820.)

23 (720 ILCS 5/17-52.5) (was 720 ILCS 5/16D-5.5)

24 Sec. 17-52.5 ~~16D-5.5~~. Unlawful use of encryption.

25 (a) For the purpose of this Section:

1 ~~"Access" means to intercept, instruct, communicate~~
2 ~~with, store data in, retrieve from, or otherwise make use~~
3 ~~of any resources of a computer, network, or data.~~

4 "Computer" means an electronic device which performs
5 logical, arithmetic, and memory functions by manipulations
6 of electronic or magnetic impulses and includes all
7 equipment related to the computer in a system or network.

8 "Computer contaminant" means any data, information,
9 image, program, signal, or sound that is designated or has
10 the capability to: (1) contaminate, corrupt, consume,
11 damage, destroy, disrupt, modify, record, or transmit; or
12 (2) cause to be contaminated, corrupted, consumed,
13 damaged, destroyed, disrupted, modified, recorded, or
14 transmitted, any other data, information, image, program,
15 signal, or sound contained in a computer, system, or
16 network without the knowledge or consent of the person who
17 owns the other data, information, image, program, signal,
18 or sound or the computer, system, or network.

19 "Computer contaminant" includes, without limitation:
20 (1) a virus, worm, or Trojan horse; (2) spyware that tracks
21 computer activity and is capable of recording and
22 transmitting such information to third parties; or (3) any
23 other similar data, information, image, program, signal,
24 or sound that is designed or has the capability to prevent,
25 impede, delay, or disrupt the normal operation or use of
26 any component, device, equipment, system, or network.

1 ~~"Data" means a representation in any form of~~
2 ~~information, knowledge, facts, concepts, or instructions~~
3 ~~which is being prepared or has been formally prepared and~~
4 ~~is intended to be processed, is being processed or has been~~
5 ~~processed in a system or network.~~

6 "Encryption" means the use of any protective or
7 disruptive measure, including, without limitation,
8 cryptography, enciphering, encoding, or a computer
9 contaminant, to: (1) prevent, impede, delay, or disrupt
10 access to any data, information, image, program, signal, or
11 sound; (2) cause or make any data, information, image,
12 program, signal, or sound unintelligible or unusable; or
13 (3) prevent, impede, delay, or disrupt the normal operation
14 or use of any component, device, equipment, system, or
15 network.

16 "Network" means a set of related, remotely connected
17 devices and facilities, including more than one system,
18 with the capability to transmit data among any of the
19 devices and facilities. The term includes, without
20 limitation, a local, regional, or global computer network.

21 "Program" means an ordered set of data representing
22 coded instructions or statements which can be executed by a
23 computer and cause the computer to perform one or more
24 tasks.

25 "System" means a set of related equipment, whether or
26 not connected, which is used with or for a computer.

1 (b) A person shall not knowingly use or attempt to use
2 encryption, directly or indirectly, to:

3 (1) commit, facilitate, further, or promote any
4 criminal offense;

5 (2) aid, assist, or encourage another person to commit
6 any criminal offense;

7 (3) conceal evidence of the commission of any criminal
8 offense; or

9 (4) conceal or protect the identity of a person who has
10 committed any criminal offense.

11 (c) Telecommunications carriers and information service
12 providers are not liable under this Section, except for willful
13 and wanton misconduct, for providing encryption services used
14 by others in violation of this Section.

15 (d) Sentence. A person who violates this Section is guilty
16 of a Class A misdemeanor, unless the encryption was used or
17 attempted to be used to commit an offense for which a greater
18 penalty is provided by law. If the encryption was used or
19 attempted to be used to commit an offense for which a greater
20 penalty is provided by law, the person shall be punished as
21 prescribed by law for that offense.

22 (e) A person who violates this Section commits a criminal
23 offense that is separate and distinct from any other criminal
24 offense and may be prosecuted and convicted under this Section
25 whether or not the person or any other person is or has been
26 prosecuted or convicted for any other criminal offense arising

1 out of the same facts as the violation of this Section.

2 (Source: P.A. 95-942, eff. 1-1-09.)

3 (720 ILCS 5/17-54) (was 720 ILCS 5/16D-7)

4 Sec. 17-54 ~~16D-7~~. Evidence of lack of Rebuttable
5 ~~Presumption~~ without authority. For the purposes of Sections
6 17-50 through 17-52, the trier of fact may infer that a person
7 accessed a computer without the authorization of its owner or
8 in excess of the authority granted if the ~~In the event that a~~
9 person accesses or causes to be accessed a computer, which
10 access requires a confidential or proprietary code which has
11 not been issued to or authorized for use by that person,~~a~~
12 ~~rebuttable presumption exists that the computer was accessed~~
13 ~~without the authorization of its owner or in excess of the~~
14 ~~authority granted.~~

15 (Source: P.A. 85-926.)

16 (720 ILCS 5/17-55 new)

17 Sec. 17-55. Definitions. For the purposes of Sections 17-50
18 through 17-53:

19 In addition to its meaning as defined in Section 15-1 of
20 this Code, "property" means: (1) electronic impulses; (2)
21 electronically produced data; (3) confidential, copyrighted,
22 or proprietary information; (4) private identification codes
23 or numbers which permit access to a computer by authorized
24 computer users or generate billings to consumers for purchase

1 of goods and services, including but not limited to credit card
2 transactions and telecommunications services or permit
3 electronic fund transfers; (5) software or programs in either
4 machine or human readable form; or (6) any other tangible or
5 intangible item relating to a computer or any part thereof.

6 "Access" means to use, instruct, communicate with, store
7 data in, retrieve or intercept data from, or otherwise utilize
8 any services of, a computer, a network, or data.

9 "Services" includes but is not limited to computer time,
10 data manipulation, or storage functions.

11 "Vital services or operations" means those services or
12 operations required to provide, operate, maintain, and repair
13 network cabling, transmission, distribution, or computer
14 facilities necessary to ensure or protect the public health,
15 safety, or welfare. Those services or operations include, but
16 are not limited to, services provided by medical personnel or
17 institutions, fire departments, emergency services agencies,
18 national defense contractors, armed forces or militia
19 personnel, private and public utility companies, or law
20 enforcement agencies.

21 (720 ILCS 5/Art. 17, Subdiv. 35 heading new)

22 SUBDIVISION 35. MISCELLANEOUS SPECIAL FRAUD

23 (720 ILCS 5/17-56) (was 720 ILCS 5/16-1.3)

24 Sec. 17-56 ~~16-1.3~~. Financial exploitation of an elderly

1 person or a person with a disability.

2 (a) A person commits ~~the offense of~~ financial exploitation
3 of an elderly person or a person with a disability when he or
4 she stands in a position of trust or confidence with the
5 elderly person or a person with a disability and he or she
6 knowingly and by deception or intimidation obtains control over
7 the property of an elderly person or a person with a disability
8 or illegally uses the assets or resources of an elderly person
9 or a person with a disability. ~~The illegal use of the assets or~~
10 ~~resources of an elderly person or a person with a disability~~
11 ~~includes, but is not limited to, the misappropriation of those~~
12 ~~assets or resources by undue influence, breach of a fiduciary~~
13 ~~relationship, fraud, deception, extortion, or use of the assets~~
14 ~~or resources contrary to law.~~

15 (b) Sentence. Financial exploitation of an elderly person
16 or a person with a disability is: (1) a Class 4 felony if the
17 value of the property is \$300 or less, (2) a Class 3 felony if
18 the value of the property is more than \$300 but less than
19 \$5,000, (3) a Class 2 felony if the value of the property is
20 \$5,000 or more but less than \$100,000, and (4) a Class 1 felony
21 if the value of the property is \$100,000 or more or if the
22 elderly person is over 70 years of age and the value of the
23 property is \$15,000 or more or if the elderly person is 80
24 years of age or older and the value of the property is \$5,000
25 or more.

26 (c) ~~(b)~~ For purposes of this Section:

1 (1) "Elderly person" means a person 60 years of age or
2 older.

3 (2) "Person with a disability" means a person who
4 suffers from a physical or mental impairment resulting from
5 disease, injury, functional disorder or congenital
6 condition that impairs the individual's mental or physical
7 ability to independently manage his or her property or
8 financial resources, or both.

9 (3) "Intimidation" means the communication to an
10 elderly person or a person with a disability that he or she
11 shall be deprived of food and nutrition, shelter,
12 prescribed medication or medical care and treatment.

13 (4) "Deception" means, in addition to its meaning as
14 defined in Section 15-4 of this Code, a misrepresentation
15 or concealment of material fact relating to the terms of a
16 contract or agreement entered into with the elderly person
17 or person with a disability or to the existing or
18 pre-existing condition of any of the property involved in
19 such contract or agreement; or the use or employment of any
20 misrepresentation, false pretense or false promise in
21 order to induce, encourage or solicit the elderly person or
22 person with a disability to enter into a contract or
23 agreement.

24 The illegal use of the assets or resources of an elderly
25 person or a person with a disability includes, but is not
26 limited to, the misappropriation of those assets or resources

1 by undue influence, breach of a fiduciary relationship, fraud,
2 deception, extortion, or use of the assets or resources
3 contrary to law.

4 A ~~(e) For purposes of this Section,~~ a person stands in a
5 position of trust and confidence with an elderly person or
6 person with a disability when he (i) ~~(1)~~ is a parent, spouse,
7 adult child or other relative by blood or marriage of the
8 elderly person or person with a disability, (ii) ~~(2)~~ is a joint
9 tenant or tenant in common with the elderly person or person
10 with a disability, (iii) ~~(3)~~ has a legal or fiduciary
11 relationship with the elderly person or person with a
12 disability, or (iv) ~~(4)~~ is a financial planning or investment
13 professional.

14 (d) Limitations. Nothing in this Section shall be construed
15 to limit the remedies available to the victim under the
16 Illinois Domestic Violence Act of 1986.

17 (e) Good faith efforts. Nothing in this Section shall be
18 construed to impose criminal liability on a person who has made
19 a good faith effort to assist the elderly person or person with
20 a disability in the management of his or her property, but
21 through no fault of his or her own has been unable to provide
22 such assistance.

23 (f) Not a defense. It shall not be a defense to financial
24 exploitation of an elderly person or person with a disability
25 that the accused reasonably believed that the victim was not an
26 elderly person or person with a disability.

1 (g) Civil Liability. A person who is charged by information
2 or indictment with the offense of financial exploitation of an
3 elderly person or person with a disability and who fails or
4 refuses to return the victim's property within 60 days
5 following a written demand from the victim or the victim's
6 legal representative shall be liable to the victim or to the
7 estate of the victim in damages of treble the amount of the
8 value of the property obtained, plus reasonable attorney fees
9 and court costs. The burden of proof that the defendant
10 unlawfully obtained the victim's property shall be by a
11 preponderance of the evidence. This subsection shall be
12 operative whether or not the defendant has been convicted of
13 the offense.

14 (Source: P.A. 95-798, eff. 1-1-09.)

15 (720 ILCS 5/17-57) (was 720 ILCS 5/17-28)

16 Sec. 17-57 ~~17-28~~. Defrauding drug and alcohol screening
17 tests.

18 (a) It is unlawful for a person to:

19 (1) manufacture, sell, give away, distribute, or
20 market synthetic or human substances or other products in
21 this State or transport urine into this State with the
22 intent of using the synthetic or human substances or other
23 products to defraud a drug or alcohol screening test;

24 (2) substitute or spike a sample or advertise a sample
25 substitution or other spiking device or measure, with the

1 intent of attempting attempt to foil or defeat a drug or
2 alcohol screening test ~~by the substitution or spiking of a~~
3 ~~sample or the advertisement of a sample substitution or~~
4 ~~other spiking device or measure;~~

5 (3) adulterate synthetic or human substances with the
6 intent to defraud a drug or alcohol screening test; or

7 (4) manufacture, sell, or possess adulterants that are
8 intended to be used to adulterate synthetic or human
9 substances with the intent ~~for the purpose~~ of defrauding a
10 drug or alcohol screening test.

11 (b) The ~~For the purpose of determining the intent of the~~
12 ~~defendant who is charged with a violation of this Section, the~~
13 trier of fact may infer intent to violate this Section if ~~take~~
14 ~~into consideration whether or not~~ a heating element or any
15 other device used to thwart a drug or alcohol screening test
16 accompanies the sale, giving, distribution, or marketing of
17 synthetic or human substances or other products or ~~whether or~~
18 ~~not~~ instructions that provide a method for thwarting a drug or
19 alcohol screening test accompany the sale, giving,
20 distribution, or marketing of synthetic or human substances or
21 other products.

22 (c) Sentence. A violation of this Section is a Class 4
23 felony for which the court shall impose a minimum fine of
24 \$1,000.

25 (d) For the purposes of this Section, "drug or alcohol
26 screening test" includes, but is not limited to, urine testing,

1 hair follicle testing, perspiration testing, saliva testing,
2 blood testing, fingernail testing, and eye drug testing.

3 (Source: P.A. 93-691, eff. 7-9-04.)

4 (720 ILCS 5/17-58) (was 720 ILCS 5/17-16)

5 Sec. 17-58 ~~17-16~~. Fraudulent production of infant. A person
6 who fraudulently produces an infant, falsely pretending it to
7 have been born of parents whose child would be entitled to a
8 share of a personal estate, or to inherit real estate, with the
9 intent of intercepting the inheritance of the real estate, or
10 the distribution of the personal property from a person
11 lawfully entitled to the personal property, is guilty of a
12 Class 3 felony.

13 (Source: P.A. 89-234, eff. 1-1-96.)

14 (720 ILCS 5/17-59) (was 720 ILCS 5/39-1)

15 Sec. 17-59 ~~39-1~~. Criminal usury ~~Usury~~.

16 (a) ~~A~~ Any person commits criminal usury when, in exchange
17 for either a loan of money or other property or forbearance
18 from the collection of such a loan, he or she knowingly
19 contracts for or receives from an individual, directly or
20 indirectly, interest, discount, or other consideration at a
21 rate greater than 20% per annum either before or after the
22 maturity of the loan.

23 (b) When a person has in his or her personal or
24 constructive possession records, memoranda, or other

1 documentary record of usurious loans, the trier of fact may
2 infer ~~it shall be prima facie evidence~~ that he or she has
3 violated subsection (a) of this Section ~~Subsection 39-1(a)~~
4 hereof.

5 (c) Sentence. Criminal usury is a Class 4 felony.

6 (d) Non-application to licensed persons. This Section does
7 not apply to any loan authorized to be made by any person
8 licensed under the Consumer Installment Loan Act or to any loan
9 permitted by Sections 4, 4.2 and 4a of the Interest Act or by
10 any other law of this State.

11 (Source: P.A. 76-1879.)

12 (720 ILCS 5/17-60) (was 720 ILCS 5/17-7)

13 Sec. 17-60 ~~17-7~~. Promotion of pyramid sales schemes.

14 (a) A person who knowingly sells, offers to sell, or
15 attempts to sell the right to participate in a pyramid sales
16 scheme commits a Class A misdemeanor.

17 (b) ~~(a)~~ The term "pyramid sales scheme" means any plan or
18 operation whereby a person, in exchange for money or other
19 thing of value, acquires the opportunity to receive a benefit
20 or thing of value, which is primarily based upon the inducement
21 of additional persons, by himself or others, regardless of
22 number, to participate in the same plan or operation and is not
23 primarily contingent on the volume or quantity of goods,
24 services, or other property sold or distributed or to be sold
25 or distributed to persons for purposes of resale to consumers.

1 For purposes of this subsection, "money or other thing of
2 value" shall not include payments made for sales demonstration
3 equipment and materials furnished on a nonprofit basis for use
4 in making sales and not for resale.

5 ~~(b) Any person who knowingly sells, offers to sell, or~~
6 ~~attempts to sell the right to participate in a pyramid sales~~
7 ~~scheme commits a Class A misdemeanor.~~

8 (Source: P.A. 83-808.)

9 (720 ILCS 5/17-61 new)

10 Sec. 17-61. Unauthorized use of university stationery.

11 (a) No person, firm or corporation shall use the official
12 stationery or seal or a facsimile thereof, of any State
13 supported university, college or other institution of higher
14 education or any organization thereof unless approved in
15 writing in advance by the university, college or institution of
16 higher education affected, for any private promotional scheme
17 wherein it is made to appear that the organization or
18 university, college or other institution of higher education is
19 endorsing the private promotional scheme.

20 (b) A violation of this Section is a petty offense.

21 (720 ILCS 5/17-62 new)

22 Sec. 17-62. Unlawful possession of device for
23 manufacturing a false universal price code label. It is
24 unlawful for a person to knowingly possess a device the purpose

1 of which is to manufacture a false, counterfeit, altered, or
2 simulated universal price code label. A violation of this
3 Section is a Class 3 felony.

4 (720 ILCS 5/16D-2 rep.)

5 (720 ILCS 5/Art. 16H rep.)

6 (720 ILCS 5/17-1a rep.)

7 (720 ILCS 5/17-2.5 rep.)

8 (720 ILCS 5/17-4 rep.)

9 (720 ILCS 5/17-8 rep.)

10 (720 ILCS 5/17-10 rep.)

11 (720 ILCS 5/17-11.1 rep.)

12 (720 ILCS 5/17-12 rep.)

13 (720 ILCS 5/17-14 rep.)

14 (720 ILCS 5/17-15 rep.)

15 (720 ILCS 5/17-18 rep.)

16 (720 ILCS 5/17-19 rep.)

17 (720 ILCS 5/17-23 rep.)

18 (720 ILCS 5/Art. 17A rep.)

19 (720 ILCS 5/17B-1 rep.)

20 (720 ILCS 5/17B-5 rep.)

21 (720 ILCS 5/17B-10 rep.)

22 (720 ILCS 5/17B-15 rep.)

23 (720 ILCS 5/17B-20 rep.)

24 (720 ILCS 5/17B-25 rep.)

25 (720 ILCS 5/17B-30 rep.)

1 (720 ILCS 5/32-5 rep.)

2 (720 ILCS 5/32-5.1 rep.)

3 (720 ILCS 5/32-5.1-1 rep.)

4 (720 ILCS 5/32-5.2 rep.)

5 (720 ILCS 5/32-5.2-5 rep.)

6 (720 ILCS 5/32-5.3 rep.)

7 (720 ILCS 5/32-5.4 rep.)

8 (720 ILCS 5/32-5.4-1 rep.)

9 (720 ILCS 5/32-5.5 rep.)

10 (720 ILCS 5/32-5.6 rep.)

11 (720 ILCS 5/32-5.7 rep.)

12 (720 ILCS 5/Art. 33C rep.)

13 (720 ILCS 5/Art. 39 heading rep.)

14 (720 ILCS 5/39-2 rep.)

15 (720 ILCS 5/39-3 rep.)

16 (720 ILCS 5/Art. 46 rep.)

17 Section 5-6. The Criminal Code of 1961 is amended by
18 repealing Article 16H, Article 17A, Article 33C, Article 46,
19 the heading of Article 39, and Sections 16D-2, 17-1a, 17-2.5,
20 17-4, 17-8, 17-10, 17-11.1, 17-12, 17-14, 17-15, 17-18, 17-19,
21 17-23, 17B-1, 17B-5, 17B-10, 17B-15, 17B-20, 17B-25, 17B-30,
22 32-5, 32-5.1, 32-5.1-1, 32-5.2, 32-5.2-5, 32-5.3, 32-5.4,
23 32-5.4-1, 32-5.5, 32-5.6, 32-5.7, 39-2, and 39-3.

24 (720 ILCS 240/Act rep.)

25 Section 5-10. The Conditional Sales Protection Act is

1 repealed.

2 (720 ILCS 245/Act rep.)

3 Section 5-12. The Construction Equipment Identification
4 Defacement Act is repealed.

5 (720 ILCS 250/Act rep.)

6 Section 5-15. The Illinois Credit Card and Debit Card Act
7 is repealed.

8 (720 ILCS 290/Act rep.)

9 Section 5-20. The Deceptive Sale of Gold and Silver Act is
10 repealed.

11 (720 ILCS 295/Act rep.)

12 Section 5-25. The Deceptive Advertising Act is repealed.

13 (720 ILCS 305/Act rep.)

14 Section 5-30. The Gasoline Price Advertising Act is
15 repealed.

16 (720 ILCS 325/Act rep.)

17 Section 5-35. The Insurance Claims for Excessive Charges
18 Act is repealed.

19 (720 ILCS 335/Act rep.)

1 Section 5-37. The Marks and Serial Numbers Act is repealed.

2 (720 ILCS 390/Act rep.)

3 Section 5-40. The Use of University Stationery Act is
4 repealed.

5 Article 10.

6 Section 10-5. The Department of Revenue Law of the Civil
7 Administrative Code of Illinois is amended by changing Section
8 2505-400 as follows:

9 (20 ILCS 2505/2505-400) (was 20 ILCS 2505/39b49)

10 Sec. 2505-400. Contracts for collection assistance.

11 (a) The Department has the power to contract for collection
12 assistance on a contingent fee basis, with collection fees to
13 be retained by the collection agency and the net collections to
14 be paid to the Department. In the case of any liability
15 referred to a collection agency on or after July 1, 2003, any
16 fee charged to the State by the collection agency shall be
17 considered additional State tax of the taxpayer imposed under
18 the Act under which the tax being collected was imposed, shall
19 be deemed assessed at the time payment of the tax is made to
20 the collection agency, and shall be separately stated in any
21 statement or notice of the liability issued by the collection
22 agency to the taxpayer.

1 (b) The Department has the power to enter into written
2 agreements with State's Attorneys for pursuit of civil
3 liability under subsection (E) of Section 17-1 ~~17-1a~~ of the
4 Criminal Code of 1961 against persons who have issued to the
5 Department checks or other orders in violation of the
6 provisions of paragraph (1) ~~(d)~~ of subsection (B) of Section
7 17-1 of the Criminal Code of 1961. Of the amount collected, the
8 Department shall retain the amount owing upon the dishonored
9 check or order along with the dishonored check fee imposed
10 under the Uniform Penalty and Interest Act. The balance of
11 damages, fees, and costs collected under subsection (E) of
12 Section 17-1 ~~17-1a~~ of the Criminal Code of 1961 or under
13 Section 17-1a of that Code shall be retained by the State's
14 Attorney. The agreement shall not affect the allocation of
15 fines and costs imposed in any criminal prosecution.

16 (c) The Department may issue the Secretary of the Treasury
17 of the United States (or his or her delegate) notice, as
18 required by Section 6402(e) of the Internal Revenue Code, of
19 any past due, legally enforceable State income tax obligation
20 of a taxpayer. The Department must notify the taxpayer that any
21 fee charged to the State by the Secretary of the Treasury of
22 the United States (or his or her delegate) under Internal
23 Revenue Code Section 6402(e) is considered additional State
24 income tax of the taxpayer with respect to whom the Department
25 issued the notice, and is deemed assessed upon issuance by the
26 Department of notice to the Secretary of the Treasury of the

1 United States (or his or her delegate) under Section 6402(e) of
2 the Internal Revenue Code; a notice of additional State income
3 tax is not considered a notice of deficiency, and the taxpayer
4 has no right of protest.

5 (Source: P.A. 92-492, eff. 1-1-02; 93-25, eff. 6-20-03.)

6 Section 10-10. The Counties Code is amended by changing
7 Section 3-9005 as follows:

8 (55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005)

9 Sec. 3-9005. Powers and duties of State's attorney.

10 (a) The duty of each State's attorney shall be:

11 (1) To commence and prosecute all actions, suits,
12 indictments and prosecutions, civil and criminal, in the
13 circuit court for his county, in which the people of the
14 State or county may be concerned.

15 (2) To prosecute all forfeited bonds and
16 recognizances, and all actions and proceedings for the
17 recovery of debts, revenues, moneys, fines, penalties and
18 forfeitures accruing to the State or his county, or to any
19 school district or road district in his county; also, to
20 prosecute all suits in his county against railroad or
21 transportation companies, which may be prosecuted in the
22 name of the People of the State of Illinois.

23 (3) To commence and prosecute all actions and
24 proceedings brought by any county officer in his official

1 capacity.

2 (4) To defend all actions and proceedings brought
3 against his county, or against any county or State officer,
4 in his official capacity, within his county.

5 (5) To attend the examination of all persons brought
6 before any judge on habeas corpus, when the prosecution is
7 in his county.

8 (6) To attend before judges and prosecute charges of
9 felony or misdemeanor, for which the offender is required
10 to be recognized to appear before the circuit court, when
11 in his power so to do.

12 (7) To give his opinion, without fee or reward, to any
13 county officer in his county, upon any question or law
14 relating to any criminal or other matter, in which the
15 people or the county may be concerned.

16 (8) To assist the attorney general whenever it may be
17 necessary, and in cases of appeal from his county to the
18 Supreme Court, to which it is the duty of the attorney
19 general to attend, he shall furnish the attorney general at
20 least 10 days before such is due to be filed, a manuscript
21 of a proposed statement, brief and argument to be printed
22 and filed on behalf of the people, prepared in accordance
23 with the rules of the Supreme Court. However, if such
24 brief, argument or other document is due to be filed by law
25 or order of court within this 10 day period, then the
26 State's attorney shall furnish such as soon as may be

1 reasonable.

2 (9) To pay all moneys received by him in trust, without
3 delay, to the officer who by law is entitled to the custody
4 thereof.

5 (10) To notify, by first class mail, complaining
6 witnesses of the ultimate disposition of the cases arising
7 from an indictment or an information.

8 (11) To perform such other and further duties as may,
9 from time to time, be enjoined on him by law.

10 (12) To appear in all proceedings by collectors of
11 taxes against delinquent taxpayers for judgments to sell
12 real estate, and see that all the necessary preliminary
13 steps have been legally taken to make the judgment legal
14 and binding.

15 (13) To notify, by first-class mail, the State
16 Superintendent of Education, the applicable regional
17 superintendent of schools, and the superintendent of the
18 employing school district or the chief school
19 administrator of the employing nonpublic school, if any,
20 upon the conviction of any individual known to possess a
21 certificate issued pursuant to Article 21 of the School
22 Code of any offense set forth in Section 21-23a of the
23 School Code or any other felony conviction, providing the
24 name of the certificate holder, the fact of the conviction,
25 and the name and location of the court where the conviction
26 occurred. The certificate holder must also be

1 contemporaneously sent a copy of the notice.

2 (b) The State's Attorney of each county shall have
3 authority to appoint one or more special investigators to serve
4 subpoenas, make return of process and conduct investigations
5 which assist the State's Attorney in the performance of his
6 duties. A special investigator shall not carry firearms except
7 with permission of the State's Attorney and only while carrying
8 appropriate identification indicating his employment and in
9 the performance of his assigned duties.

10 Subject to the qualifications set forth in this subsection,
11 special investigators shall be peace officers and shall have
12 all the powers possessed by investigators under the State's
13 Attorneys Appellate Prosecutor's Act.

14 No special investigator employed by the State's Attorney
15 shall have peace officer status or exercise police powers
16 unless he or she successfully completes the basic police
17 training course mandated and approved by the Illinois Law
18 Enforcement Training Standards Board or such board waives the
19 training requirement by reason of the special investigator's
20 prior law enforcement experience or training or both. Any
21 State's Attorney appointing a special investigator shall
22 consult with all affected local police agencies, to the extent
23 consistent with the public interest, if the special
24 investigator is assigned to areas within that agency's
25 jurisdiction.

26 Before a person is appointed as a special investigator, his

1 fingerprints shall be taken and transmitted to the Department
2 of State Police. The Department shall examine its records and
3 submit to the State's Attorney of the county in which the
4 investigator seeks appointment any conviction information
5 concerning the person on file with the Department. No person
6 shall be appointed as a special investigator if he has been
7 convicted of a felony or other offense involving moral
8 turpitude. A special investigator shall be paid a salary and be
9 reimbursed for actual expenses incurred in performing his
10 assigned duties. The county board shall approve the salary and
11 actual expenses and appropriate the salary and expenses in the
12 manner prescribed by law or ordinance.

13 (c) The State's Attorney may request and receive from
14 employers, labor unions, telephone companies, and utility
15 companies location information concerning putative fathers and
16 noncustodial parents for the purpose of establishing a child's
17 paternity or establishing, enforcing, or modifying a child
18 support obligation. In this subsection, "location information"
19 means information about (i) the physical whereabouts of a
20 putative father or noncustodial parent, (ii) the putative
21 father or noncustodial parent's employer, or (iii) the salary,
22 wages, and other compensation paid and the health insurance
23 coverage provided to the putative father or noncustodial parent
24 by the employer of the putative father or noncustodial parent
25 or by a labor union of which the putative father or
26 noncustodial parent is a member.

1 (d) For each State fiscal year, the State's Attorney of
2 Cook County shall appear before the General Assembly and
3 request appropriations to be made from the Capital Litigation
4 Trust Fund to the State Treasurer for the purpose of providing
5 assistance in the prosecution of capital cases in Cook County
6 and for the purpose of providing assistance to the State in
7 post-conviction proceedings in capital cases under Article 122
8 of the Code of Criminal Procedure of 1963 and in relation to
9 petitions filed under Section 2-1401 of the Code of Civil
10 Procedure in relation to capital cases. The State's Attorney
11 may appear before the General Assembly at other times during
12 the State's fiscal year to request supplemental appropriations
13 from the Trust Fund to the State Treasurer.

14 (e) The State's Attorney shall have the authority to enter
15 into a written agreement with the Department of Revenue for
16 pursuit of civil liability under subsection (E) of Section 17-1
17 ~~17-1a~~ of the Criminal Code of 1961 against persons who have
18 issued to the Department checks or other orders in violation of
19 the provisions of paragraph (1) ~~(d)~~ of subsection (B) of
20 Section 17-1 of the Criminal Code of 1961, with the Department
21 to retain the amount owing upon the dishonored check or order
22 along with the dishonored check fee imposed under the Uniform
23 Penalty and Interest Act, with the balance of damages, fees,
24 and costs collected under subsection (E) of Section 17-1 ~~17-1a~~
25 of the Criminal Code of 1961 or under Section 17-1a of that
26 Code to be retained by the State's Attorney. The agreement

1 shall not affect the allocation of fines and costs imposed in
2 any criminal prosecution.

3 (Source: P.A. 96-431, eff. 8-13-09.)

4 Section 10-15. The Acupuncture Practice Act is amended by
5 changing Section 117 as follows:

6 (225 ILCS 2/117)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 117. Suspension of license for failure to pay
9 restitution. The Department, without further process or
10 hearing, shall suspend the license or other authorization to
11 practice of any person issued under this Act who has been
12 certified by court order as not having paid restitution to a
13 person under Section 8A-3.5 of the Illinois Public Aid Code or
14 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
15 person whose license or other authorization to practice is
16 suspended under this Section is prohibited from practicing
17 until the restitution is made in full.

18 (Source: P.A. 94-577, eff. 1-1-06.)

19 Section 10-20. The Illinois Athletic Trainers Practice Act
20 is amended by changing Section 16.5 as follows:

21 (225 ILCS 5/16.5)

22 (Section scheduled to be repealed on January 1, 2016)

1 Sec. 16.5. Suspension of license for failure to pay
2 restitution. The Department, without further process or
3 hearing, shall suspend the license or other authorization to
4 practice of any person issued under this Act who has been
5 certified by court order as not having paid restitution to a
6 person under Section 8A-3.5 of the Illinois Public Aid Code or
7 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
8 person whose license or other authorization to practice is
9 suspended under this Section is prohibited from practicing
10 until the restitution is made in full.

11 (Source: P.A. 94-577, eff. 1-1-06.)

12 Section 10-25. The Clinical Psychologist Licensing Act is
13 amended by changing Section 15.1 as follows:

14 (225 ILCS 15/15.1)

15 (Section scheduled to be repealed on January 1, 2017)

16 Sec. 15.1. Suspension of license for failure to pay
17 restitution. The Department, without further process or
18 hearing, shall suspend the license or other authorization to
19 practice of any person issued under this Act who has been
20 certified by court order as not having paid restitution to a
21 person under Section 8A-3.5 of the Illinois Public Aid Code or
22 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
23 person whose license or other authorization to practice is
24 suspended under this Section is prohibited from practicing

1 until the restitution is made in full.

2 (Source: P.A. 94-577, eff. 1-1-06.)

3 Section 10-30. The Clinical Social Work and Social Work
4 Practice Act is amended by changing Section 19.5 as follows:

5 (225 ILCS 20/19.5)

6 (Section scheduled to be repealed on January 1, 2018)

7 Sec. 19.5. Suspension of license for failure to pay
8 restitution. The Department, without further process or
9 hearing, shall suspend the license or other authorization to
10 practice of any person issued under this Act who has been
11 certified by court order as not having paid restitution to a
12 person under Section 8A-3.5 of the Illinois Public Aid Code or
13 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
14 person whose license or other authorization to practice is
15 suspended under this Section is prohibited from practicing
16 until the restitution is made in full.

17 (Source: P.A. 94-577, eff. 1-1-06.)

18 Section 10-35. The Illinois Dental Practice Act is amended
19 by changing Section 23c as follows:

20 (225 ILCS 25/23c)

21 (Section scheduled to be repealed on January 1, 2016)

22 Sec. 23c. Suspension of license for failure to pay

1 restitution. The Department, without further process or
2 hearing, shall suspend the license or other authorization to
3 practice of any person issued under this Act who has been
4 certified by court order as not having paid restitution to a
5 person under Section 8A-3.5 of the Illinois Public Aid Code or
6 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
7 person whose license or other authorization to practice is
8 suspended under this Section is prohibited from practicing
9 until the restitution is made in full.

10 (Source: P.A. 94-577, eff. 1-1-06.)

11 Section 10-40. The Health Care Worker Background Check Act
12 is amended by changing Section 25 as follows:

13 (225 ILCS 46/25)

14 Sec. 25. Persons ineligible to be hired by health care
15 employers and long-term care facilities.

16 (a) In the discretion of the Director of Public Health, as
17 soon after January 1, 1996, January 1, 1997, January 1, 2006,
18 or October 1, 2007, as applicable, and as is reasonably
19 practical, no health care employer shall knowingly hire,
20 employ, or retain any individual in a position with duties
21 involving direct care for clients, patients, or residents, and
22 no long-term care facility shall knowingly hire, employ, or
23 retain any individual in a position with duties that involve or
24 may involve contact with residents or access to the living

1 quarters or the financial, medical, or personal records of
2 residents, who has been convicted of committing or attempting
3 to commit one or more of the following offenses: those defined
4 in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3,
5 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4,
6 10-5, 10-7, 11-6, 11-9.1, 11-9.5, 11-19.2, 11-20.1, 12-1, 12-2,
7 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4,
8 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13, 12-14, 12-14.1,
9 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32, 12-33, 16-1,
10 16-1.3, 16A-3, 17-3, 17-56, 18-1, 18-2, 18-3, 18-4, 18-5, 19-1,
11 19-3, 19-4, 20-1, 20-1.1, 24-1, 24-1.2, 24-1.5, or 33A-2 of the
12 Criminal Code of 1961; those provided in Section 4 of the
13 Wrongs to Children Act; those provided in Section 53 of the
14 Criminal Jurisprudence Act; those defined in Section 5, 5.1,
15 5.2, 7, or 9 of the Cannabis Control Act; those defined in the
16 Methamphetamine Control and Community Protection Act; or those
17 defined in Sections 401, 401.1, 404, 405, 405.1, 407, or 407.1
18 of the Illinois Controlled Substances Act, unless the applicant
19 or employee obtains a waiver pursuant to Section 40.

20 (a-1) In the discretion of the Director of Public Health,
21 as soon after January 1, 2004 or October 1, 2007, as
22 applicable, and as is reasonably practical, no health care
23 employer shall knowingly hire any individual in a position with
24 duties involving direct care for clients, patients, or
25 residents, and no long-term care facility shall knowingly hire
26 any individual in a position with duties that involve or may

1 involve contact with residents or access to the living quarters
2 or the financial, medical, or personal records of residents,
3 who has (i) been convicted of committing or attempting to
4 commit one or more of the offenses defined in Section 12-3.3,
5 12-4.2-5, 16-2, 16G-15, 16G-20, 17-33, 17-34, 17-36, 17-44,
6 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3, or
7 subsection (b) of Section 17-32, of the Criminal Code of 1961;
8 Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card and
9 Debit Card Act; or Section 5.1 of the Wrongs to Children Act;
10 or (ii) violated Section 50-50 of the Nurse Practice Act,
11 unless the applicant or employee obtains a waiver pursuant to
12 Section 40 of this Act.

13 A health care employer is not required to retain an
14 individual in a position with duties involving direct care for
15 clients, patients, or residents, and no long-term care facility
16 is required to retain an individual in a position with duties
17 that involve or may involve contact with residents or access to
18 the living quarters or the financial, medical, or personal
19 records of residents, who has been convicted of committing or
20 attempting to commit one or more of the offenses enumerated in
21 this subsection.

22 (b) A health care employer shall not hire, employ, or
23 retain any individual in a position with duties involving
24 direct care of clients, patients, or residents, and no
25 long-term care facility shall knowingly hire, employ, or retain
26 any individual in a position with duties that involve or may

1 involve contact with residents or access to the living quarters
2 or the financial, medical, or personal records of residents, if
3 the health care employer becomes aware that the individual has
4 been convicted in another state of committing or attempting to
5 commit an offense that has the same or similar elements as an
6 offense listed in subsection (a) or (a-1), as verified by court
7 records, records from a state agency, or an FBI criminal
8 history record check, unless the applicant or employee obtains
9 a waiver pursuant to Section 40 of this Act. This shall not be
10 construed to mean that a health care employer has an obligation
11 to conduct a criminal history records check in other states in
12 which an employee has resided.

13 (Source: P.A. 95-120, eff. 8-13-07; 95-639, eff. 10-5-07;
14 95-876, eff. 8-21-08; 96-710, eff. 1-1-10.)

15 Section 10-45. The Hearing Instrument Consumer Protection
16 Act is amended by changing Section 18.5 as follows:

17 (225 ILCS 50/18.5)

18 (Section scheduled to be repealed on January 1, 2016)

19 Sec. 18.5. Suspension of license for failure to pay
20 restitution. The Department, without further process or
21 hearing, shall suspend the license or other authorization to
22 practice of any person issued under this Act who has been
23 certified by court order as not having paid restitution to a
24 person under Section 8A-3.5 of the Illinois Public Aid Code or

1 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
2 person whose license or other authorization to practice is
3 suspended under this Section is prohibited from practicing
4 until the restitution is made in full.

5 (Source: P.A. 94-577, eff. 1-1-06.)

6 Section 10-50. The Home Medical Equipment and Services
7 Provider License Act is amended by changing Section 77 as
8 follows:

9 (225 ILCS 51/77)

10 (Section scheduled to be repealed on January 1, 2018)

11 Sec. 77. Suspension of license for failure to pay
12 restitution. The Department, without further process or
13 hearing, shall suspend the license or other authorization to
14 practice of any person issued under this Act who has been
15 certified by court order as not having paid restitution to a
16 person under Section 8A-3.5 of the Illinois Public Aid Code or
17 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
18 person whose license or other authorization to practice is
19 suspended under this Section is prohibited from practicing
20 until the restitution is made in full.

21 (Source: P.A. 94-577, eff. 1-1-06.)

22 Section 10-55. The Marriage and Family Therapy Licensing
23 Act is amended by changing Section 87 as follows:

1 (225 ILCS 55/87)

2 (Section scheduled to be repealed on January 1, 2018)

3 Sec. 87. Suspension of license for failure to pay
4 restitution. The Department, without further process or
5 hearing, shall suspend the license or other authorization to
6 practice of any person issued under this Act who has been
7 certified by court order as not having paid restitution to a
8 person under Section 8A-3.5 of the Illinois Public Aid Code or
9 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
10 person whose license or other authorization to practice is
11 suspended under this Section is prohibited from practicing
12 until the restitution is made in full.

13 (Source: P.A. 94-577, eff. 1-1-06.)

14 Section 10-60. The Medical Practice Act of 1987 is amended
15 by changing Section 22.5 as follows:

16 (225 ILCS 60/22.5)

17 (Section scheduled to be repealed on December 31, 2010)

18 Sec. 22.5. Suspension of license for failure to pay
19 restitution. The Department, without further process or
20 hearing, shall suspend the license or other authorization to
21 practice of any person issued under this Act who has been
22 certified by court order as not having paid restitution to a
23 person under Section 8A-3.5 of the Illinois Public Aid Code or

1 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
2 person whose license or other authorization to practice is
3 suspended under this Section is prohibited from practicing
4 until the restitution is made in full.

5 (Source: P.A. 94-577, eff. 1-1-06.)

6 Section 10-65. The Naprapathic Practice Act is amended by
7 changing Section 113 as follows:

8 (225 ILCS 63/113)

9 (Section scheduled to be repealed on January 1, 2013)

10 Sec. 113. Suspension of license for failure to pay
11 restitution. The Department, without further process or
12 hearing, shall suspend the license or other authorization to
13 practice of any person issued under this Act who has been
14 certified by court order as not having paid restitution to a
15 person under Section 8A-3.5 of the Illinois Public Aid Code or
16 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
17 person whose license or other authorization to practice is
18 suspended under this Section is prohibited from practicing
19 until the restitution is made in full.

20 (Source: P.A. 94-577, eff. 1-1-06.)

21 Section 10-70. The Nurse Practice Act is amended by
22 changing Section 70-20 as follows:

1 (225 ILCS 65/70-20) (was 225 ILCS 65/20-13)

2 (Section scheduled to be repealed on January 1, 2018)

3 Sec. 70-20. Suspension of license or registration for
4 failure to pay restitution. The Department, without further
5 process or hearing, shall suspend the license or other
6 authorization to practice of any person issued under this Act
7 who has been certified by court order as not having paid
8 restitution to a person under Section 8A-3.5 of the Illinois
9 Public Aid Code or under Section 17-10.5 or 46-1 of the
10 Criminal Code of 1961. A person whose license or other
11 authorization to practice is suspended under this Section is
12 prohibited from practicing until the restitution is made in
13 full.

14 (Source: P.A. 94-577, eff. 1-1-06; 95-639, eff. 10-5-07.)

15 Section 10-75. The Illinois Occupational Therapy Practice
16 Act is amended by changing Section 19.17 as follows:

17 (225 ILCS 75/19.17)

18 (Section scheduled to be repealed on January 1, 2014)

19 Sec. 19.17. Suspension of license for failure to pay
20 restitution. The Department, without further process or
21 hearing, shall suspend the license or other authorization to
22 practice of any person issued under this Act who has been
23 certified by court order as not having paid restitution to a
24 person under Section 8A-3.5 of the Illinois Public Aid Code or

1 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
2 person whose license or other authorization to practice is
3 suspended under this Section is prohibited from practicing
4 until the restitution is made in full.

5 (Source: P.A. 94-577, eff. 1-1-06.)

6 Section 10-80. The Illinois Optometric Practice Act of 1987
7 is amended by changing Section 24.5 as follows:

8 (225 ILCS 80/24.5)

9 (Section scheduled to be repealed on January 1, 2017)

10 Sec. 24.5. Suspension of license for failure to pay
11 restitution. The Department, without further process or
12 hearing, shall suspend the license or other authorization to
13 practice of any person issued under this Act who has been
14 certified by court order as not having paid restitution to a
15 person under Section 8A-3.5 of the Illinois Public Aid Code or
16 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
17 person whose license or other authorization to practice is
18 suspended under this Section is prohibited from practicing
19 until the restitution is made in full.

20 (Source: P.A. 94-577, eff. 1-1-06.)

21 Section 10-85. The Orthotics, Prosthetics, and Pedorthics
22 Practice Act is amended by changing Section 93 as follows:

1 (225 ILCS 84/93)

2 (Section scheduled to be repealed on January 1, 2020)

3 Sec. 93. Suspension of license for failure to pay
4 restitution. The Department, without further process or
5 hearing, shall suspend the license or other authorization to
6 practice of any person issued under this Act who has been
7 certified by court order as not having paid restitution to a
8 person under Section 8A-3.5 of the Illinois Public Aid Code or
9 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
10 person whose license or other authorization to practice is
11 suspended under this Section is prohibited from practicing
12 until the restitution is made in full.

13 (Source: P.A. 94-577, eff. 1-1-06.)

14 Section 10-90. The Pharmacy Practice Act is amended by
15 changing Section 30.5 as follows:

16 (225 ILCS 85/30.5)

17 (Section scheduled to be repealed on January 1, 2018)

18 Sec. 30.5. Suspension of license or certificate for failure
19 to pay restitution. The Department, without further process or
20 hearing, shall suspend the license or other authorization to
21 practice of any person issued under this Act who has been
22 certified by court order as not having paid restitution to a
23 person under Section 8A-3.5 of the Illinois Public Aid Code or
24 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A

1 person whose license or other authorization to practice is
2 suspended under this Section is prohibited from practicing
3 until the restitution is made in full.

4 (Source: P.A. 94-577, eff. 1-1-06.)

5 Section 10-95. The Illinois Physical Therapy Act is amended
6 by changing Section 17.5 as follows:

7 (225 ILCS 90/17.5)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 17.5. Suspension of license for failure to pay
10 restitution. The Department, without further process or
11 hearing, shall suspend the license or other authorization to
12 practice of any person issued under this Act who has been
13 certified by court order as not having paid restitution to a
14 person under Section 8A-3.5 of the Illinois Public Aid Code or
15 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
16 person whose license or other authorization to practice is
17 suspended under this Section is prohibited from practicing
18 until the restitution is made in full.

19 (Source: P.A. 94-577, eff. 1-1-06.)

20 Section 10-100. The Physician Assistant Practice Act of
21 1987 is amended by changing Section 21.5 as follows:

22 (225 ILCS 95/21.5)

1 (Section scheduled to be repealed on January 1, 2018)

2 Sec. 21.5. Suspension of license for failure to pay
3 restitution. The Department, without further process or
4 hearing, shall suspend the license or other authorization to
5 practice of any person issued under this Act who has been
6 certified by court order as not having paid restitution to a
7 person under Section 8A-3.5 of the Illinois Public Aid Code or
8 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
9 person whose license or other authorization to practice is
10 suspended under this Section is prohibited from practicing
11 until the restitution is made in full.

12 (Source: P.A. 94-577, eff. 1-1-06.)

13 Section 10-105. The Podiatric Medical Practice Act of 1987
14 is amended by changing Section 24.5 as follows:

15 (225 ILCS 100/24.5)

16 (Section scheduled to be repealed on January 1, 2018)

17 Sec. 24.5. Suspension of license for failure to pay
18 restitution. The Department, without further process or
19 hearing, shall suspend the license or other authorization to
20 practice of any person issued under this Act who has been
21 certified by court order as not having paid restitution to a
22 person under Section 8A-3.5 of the Illinois Public Aid Code or
23 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
24 person whose license or other authorization to practice is

1 suspended under this Section is prohibited from practicing
2 until the restitution is made in full.

3 (Source: P.A. 94-577, eff. 1-1-06.)

4 Section 10-110. The Respiratory Care Practice Act is
5 amended by changing Section 97 as follows:

6 (225 ILCS 106/97)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 97. Suspension of license for failure to pay
9 restitution. The Department, without further process or
10 hearing, shall suspend the license or other authorization to
11 practice of any person issued under this Act who has been
12 certified by court order as not having paid restitution to a
13 person under Section 8A-3.5 of the Illinois Public Aid Code or
14 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
15 person whose license or other authorization to practice is
16 suspended under this Section is prohibited from practicing
17 until the restitution is made in full.

18 (Source: P.A. 94-577, eff. 1-1-06.)

19 Section 10-115. The Professional Counselor and Clinical
20 Professional Counselor Licensing Act is amended by changing
21 Section 83 as follows:

22 (225 ILCS 107/83)

1 (Section scheduled to be repealed on January 1, 2013)

2 Sec. 83. Suspension of license for failure to pay
3 restitution. The Department, without further process or
4 hearing, shall suspend the license or other authorization to
5 practice of any person issued under this Act who has been
6 certified by court order as not having paid restitution to a
7 person under Section 8A-3.5 of the Illinois Public Aid Code or
8 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
9 person whose license or other authorization to practice is
10 suspended under this Section is prohibited from practicing
11 until the restitution is made in full.

12 (Source: P.A. 94-577, eff. 1-1-06.)

13 Section 10-120. The Illinois Speech-Language Pathology and
14 Audiology Practice Act is amended by changing Section 16.3 as
15 follows:

16 (225 ILCS 110/16.3)

17 (Section scheduled to be repealed on January 1, 2018)

18 Sec. 16.3. Suspension of license for failure to pay
19 restitution. The Department, without further process or
20 hearing, shall suspend the license or other authorization to
21 practice of any person issued under this Act who has been
22 certified by court order as not having paid restitution to a
23 person under Section 8A-3.5 of the Illinois Public Aid Code or
24 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A

1 person whose license or other authorization to practice is
2 suspended under this Section is prohibited from practicing
3 until the restitution is made in full.

4 (Source: P.A. 94-577, eff. 1-1-06.)

5 Section 10-125. The Perfusionist Practice Act is amended by
6 changing Section 107 as follows:

7 (225 ILCS 125/107)

8 (Section scheduled to be repealed on January 1, 2020)

9 Sec. 107. Suspension of license for failure to pay
10 restitution. The Department, without further process or
11 hearing, shall suspend the license or other authorization to
12 practice of any person issued under this Act who has been
13 certified by court order as not having paid restitution to a
14 person under Section 8A-3.5 of the Illinois Public Aid Code or
15 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
16 person whose license or other authorization to practice is
17 suspended under this Section is prohibited from practicing
18 until the restitution is made in full.

19 (Source: P.A. 94-577, eff. 1-1-06.)

20 Section 10-130. The Registered Surgical Assistant and
21 Registered Surgical Technologist Title Protection Act is
22 amended by changing Section 77 as follows:

1 (225 ILCS 130/77)

2 (Section scheduled to be repealed on January 1, 2014)

3 Sec. 77. Suspension of registration for failure to pay
4 restitution. The Department, without further process or
5 hearing, shall suspend the license or other authorization to
6 practice of any person issued under this Act who has been
7 certified by court order as not having paid restitution to a
8 person under Section 8A-3.5 of the Illinois Public Aid Code or
9 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
10 person whose license or other authorization to practice is
11 suspended under this Section is prohibited from practicing
12 until the restitution is made in full.

13 (Source: P.A. 94-577, eff. 1-1-06.)

14 Section 10-135. The Genetic Counselor Licensing Act is
15 amended by changing Section 97 as follows:

16 (225 ILCS 135/97)

17 (Section scheduled to be repealed on January 1, 2015)

18 Sec. 97. Suspension of license for failure to pay
19 restitution. The Department, without further process or
20 hearing, shall suspend the license or other authorization to
21 practice of any person issued under this Act who has been
22 certified by court order as not having paid restitution to a
23 person under Section 8A-3.5 of the Illinois Public Aid Code or
24 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A

1 person whose license or other authorization to practice is
2 suspended under this Section is prohibited from practicing
3 until the restitution is made in full.

4 (Source: P.A. 94-577, eff. 1-1-06.)

5 Section 10-140. The Criminal Code of 1961 is amended by
6 changing Sections 3-6 and 16-1 as follows:

7 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

8 Sec. 3-6. Extended limitations. The period within which a
9 prosecution must be commenced under the provisions of Section
10 3-5 or other applicable statute is extended under the following
11 conditions:

12 (a) A prosecution for theft involving a breach of a
13 fiduciary obligation to the aggrieved person may be commenced
14 as follows:

15 (1) If the aggrieved person is a minor or a person
16 under legal disability, then during the minority or legal
17 disability or within one year after the termination
18 thereof.

19 (2) In any other instance, within one year after the
20 discovery of the offense by an aggrieved person, or by a
21 person who has legal capacity to represent an aggrieved
22 person or has a legal duty to report the offense, and is
23 not himself or herself a party to the offense; or in the
24 absence of such discovery, within one year after the proper

1 prosecuting officer becomes aware of the offense. However,
2 in no such case is the period of limitation so extended
3 more than 3 years beyond the expiration of the period
4 otherwise applicable.

5 (b) A prosecution for any offense based upon misconduct in
6 office by a public officer or employee may be commenced within
7 one year after discovery of the offense by a person having a
8 legal duty to report such offense, or in the absence of such
9 discovery, within one year after the proper prosecuting officer
10 becomes aware of the offense. However, in no such case is the
11 period of limitation so extended more than 3 years beyond the
12 expiration of the period otherwise applicable.

13 (c) (Blank).

14 (d) A prosecution for child pornography, indecent
15 solicitation of a child, soliciting for a juvenile prostitute,
16 juvenile pimping or exploitation of a child may be commenced
17 within one year of the victim attaining the age of 18 years.
18 However, in no such case shall the time period for prosecution
19 expire sooner than 3 years after the commission of the offense.
20 When the victim is under 18 years of age, a prosecution for
21 criminal sexual abuse may be commenced within one year of the
22 victim attaining the age of 18 years. However, in no such case
23 shall the time period for prosecution expire sooner than 3
24 years after the commission of the offense.

25 (e) Except as otherwise provided in subdivision (j), a
26 prosecution for any offense involving sexual conduct or sexual

1 penetration, as defined in Section 12-12 of this Code, where
2 the defendant was within a professional or fiduciary
3 relationship or a purported professional or fiduciary
4 relationship with the victim at the time of the commission of
5 the offense may be commenced within one year after the
6 discovery of the offense by the victim.

7 (f) A prosecution for any offense set forth in Section 44
8 of the "Environmental Protection Act", approved June 29, 1970,
9 as amended, may be commenced within 5 years after the discovery
10 of such an offense by a person or agency having the legal duty
11 to report the offense or in the absence of such discovery,
12 within 5 years after the proper prosecuting officer becomes
13 aware of the offense.

14 (f-5) A prosecution for any offense set forth in Section
15 16G-15 or 16G-20 of this Code may be commenced within 5 years
16 after the discovery of the offense by the victim of that
17 offense.

18 (g) (Blank).

19 (h) (Blank).

20 (i) Except as otherwise provided in subdivision (j), a
21 prosecution for criminal sexual assault, aggravated criminal
22 sexual assault, or aggravated criminal sexual abuse may be
23 commenced within 10 years of the commission of the offense if
24 the victim reported the offense to law enforcement authorities
25 within 3 years after the commission of the offense.

26 Nothing in this subdivision (i) shall be construed to

1 shorten a period within which a prosecution must be commenced
2 under any other provision of this Section.

3 (j) When the victim is under 18 years of age at the time of
4 the offense, a prosecution for criminal sexual assault,
5 aggravated criminal sexual assault, predatory criminal sexual
6 assault of a child, aggravated criminal sexual abuse, or felony
7 criminal sexual abuse, or a prosecution for failure of a person
8 who is required to report an alleged or suspected commission of
9 any of these offenses under the Abused and Neglected Child
10 Reporting Act may be commenced within 20 years after the child
11 victim attains 18 years of age. When the victim is under 18
12 years of age at the time of the offense, a prosecution for
13 misdemeanor criminal sexual abuse may be commenced within 10
14 years after the child victim attains 18 years of age.

15 Nothing in this subdivision (j) shall be construed to
16 shorten a period within which a prosecution must be commenced
17 under any other provision of this Section.

18 (k) A prosecution for theft involving real property
19 exceeding \$100,000 in value under Section 16-1, identity theft
20 under Section 16G-15, aggravated identity theft under Section
21 16G-20, or any offense set forth in Article 16H or Section
22 17-10.6 may be commenced within 7 years of the last act
23 committed in furtherance of the crime.

24 (Source: P.A. 95-548, eff. 8-30-07; 96-233, eff. 1-1-10.)

1 Sec. 16-1. Theft.

2 (a) A person commits theft when he knowingly:

3 (1) Obtains or exerts unauthorized control over
4 property of the owner; or

5 (2) Obtains by deception control over property of the
6 owner; or

7 (3) Obtains by threat control over property of the
8 owner; or

9 (4) Obtains control over stolen property knowing the
10 property to have been stolen or under such circumstances as
11 would reasonably induce him to believe that the property
12 was stolen; or

13 (5) Obtains or exerts control over property in the
14 custody of any law enforcement agency which is explicitly
15 represented to him by any law enforcement officer or any
16 individual acting in behalf of a law enforcement agency as
17 being stolen, and

18 (A) Intends to deprive the owner permanently of the
19 use or benefit of the property; or

20 (B) Knowingly uses, conceals or abandons the
21 property in such manner as to deprive the owner
22 permanently of such use or benefit; or

23 (C) Uses, conceals, or abandons the property
24 knowing such use, concealment or abandonment probably
25 will deprive the owner permanently of such use or
26 benefit.

1 (b) Sentence.

2 (1) Theft of property not from the person and not
3 exceeding \$300 in value is a Class A misdemeanor.

4 (1.1) Theft of property not from the person and not
5 exceeding \$300 in value is a Class 4 felony if the theft
6 was committed in a school or place of worship or if the
7 theft was of governmental property.

8 (2) A person who has been convicted of theft of
9 property not from the person and not exceeding \$300 in
10 value who has been previously convicted of any type of
11 theft, robbery, armed robbery, burglary, residential
12 burglary, possession of burglary tools, home invasion,
13 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or
14 4-103.3 of the Illinois Vehicle Code relating to the
15 possession of a stolen or converted motor vehicle, or a
16 violation of Section 17-36 of the Criminal Code of 1961 or
17 Section 8 of the Illinois Credit Card and Debit Card Act is
18 guilty of a Class 4 felony. When a person has any such
19 prior conviction, the information or indictment charging
20 that person shall state such prior conviction so as to give
21 notice of the State's intention to treat the charge as a
22 felony. The fact of such prior conviction is not an element
23 of the offense and may not be disclosed to the jury during
24 trial unless otherwise permitted by issues properly raised
25 during such trial.

26 (3) (Blank).

1 (4) Theft of property from the person not exceeding
2 \$300 in value, or theft of property exceeding \$300 and not
3 exceeding \$10,000 in value, is a Class 3 felony.

4 (4.1) Theft of property from the person not exceeding
5 \$300 in value, or theft of property exceeding \$300 and not
6 exceeding \$10,000 in value, is a Class 2 felony if the
7 theft was committed in a school or place of worship or if
8 the theft was of governmental property.

9 (5) Theft of property exceeding \$10,000 and not
10 exceeding \$100,000 in value is a Class 2 felony.

11 (5.1) Theft of property exceeding \$10,000 and not
12 exceeding \$100,000 in value is a Class 1 felony if the
13 theft was committed in a school or place of worship or if
14 the theft was of governmental property.

15 (6) Theft of property exceeding \$100,000 and not
16 exceeding \$500,000 in value is a Class 1 felony.

17 (6.1) Theft of property exceeding \$100,000 in value is
18 a Class X felony if the theft was committed in a school or
19 place of worship or if the theft was of governmental
20 property.

21 (6.2) Theft of property exceeding \$500,000 and not
22 exceeding \$1,000,000 in value is a Class 1
23 non-probationable felony.

24 (6.3) Theft of property exceeding \$1,000,000 in value
25 is a Class X felony.

26 (7) Theft by deception, as described by paragraph (2)

1 of subsection (a) of this Section, in which the offender
2 obtained money or property valued at \$5,000 or more from a
3 victim 60 years of age or older is a Class 2 felony.

4 (8) Theft by deception, as described by paragraph (2)
5 of subsection (a) of this Section, in which the offender
6 falsely poses as a landlord or agent or employee of the
7 landlord and obtains a rent payment or a security deposit
8 from a tenant is a Class 3 felony if the rent payment or
9 security deposit obtained does not exceed \$300.

10 (9) Theft by deception, as described by paragraph (2)
11 of subsection (a) of this Section, in which the offender
12 falsely poses as a landlord or agent or employee of the
13 landlord and obtains a rent payment or a security deposit
14 from a tenant is a Class 2 felony if the rent payment or
15 security deposit obtained exceeds \$300 and does not exceed
16 \$10,000.

17 (10) Theft by deception, as described by paragraph (2)
18 of subsection (a) of this Section, in which the offender
19 falsely poses as a landlord or agent or employee of the
20 landlord and obtains a rent payment or a security deposit
21 from a tenant is a Class 1 felony if the rent payment or
22 security deposit obtained exceeds \$10,000 and does not
23 exceed \$100,000.

24 (11) Theft by deception, as described by paragraph (2)
25 of subsection (a) of this Section, in which the offender
26 falsely poses as a landlord or agent or employee of the

1 landlord and obtains a rent payment or a security deposit
2 from a tenant is a Class X felony if the rent payment or
3 security deposit obtained exceeds \$100,000.

4 (c) When a charge of theft of property exceeding a
5 specified value is brought, the value of the property involved
6 is an element of the offense to be resolved by the trier of
7 fact as either exceeding or not exceeding the specified value.

8 (Source: P.A. 96-496, eff. 1-1-10; 96-534, eff. 8-14-09;
9 revised 10-9-09.)

10 Section 10-145. The Code of Criminal Procedure of 1963 is
11 amended by changing Sections 111-4 and 115-10.3 as follows:

12 (725 ILCS 5/111-4) (from Ch. 38, par. 111-4)

13 Sec. 111-4. Joinder of offenses and defendants.

14 (a) Two or more offenses may be charged in the same
15 indictment, information or complaint in a separate count for
16 each offense if the offenses charged, whether felonies or
17 misdemeanors or both, are based on the same act or on 2 or more
18 acts which are part of the same comprehensive transaction.

19 (b) Two or more defendants may be charged in the same
20 indictment, information or complaint if they are alleged to
21 have participated in the same act or in the same comprehensive
22 transaction out of which the offense or offenses arose. Such
23 defendants may be charged in one or more counts together or
24 separately and all of the defendants need not be charged in

1 each count.

2 (c) Two or more acts or transactions in violation of any
3 provision or provisions of Sections 8A-2, 8A-3, 8A-4, 8A-4A and
4 8A-5 of the Illinois Public Aid Code, Sections 16-1, 16-2,
5 16-3, 16-5, 16-7, 16-8, 16-10, 16A-3, 16B-2, ~~16C-2~~, 17-1, 17-3,
6 17-6, 17-30, or 17-60, or item (ii) of subsection (a) or (b) of
7 Section 17-9, or subdivision (a)(2) of Section 17-10.5, ~~17-7,~~
8 ~~17-8, 17-9 or 17-10~~ of the Criminal Code of 1961 and Section
9 118 of Division I of the Criminal Jurisprudence Act, may be
10 charged as a single offense in a single count of the same
11 indictment, information or complaint, if such acts or
12 transactions by one or more defendants are in furtherance of a
13 single intention and design or if the property, labor or
14 services obtained are of the same person or are of several
15 persons having a common interest in such property, labor or
16 services. In such a charge, the period between the dates of the
17 first and the final such acts or transactions may be alleged as
18 the date of the offense and, if any such act or transaction by
19 any defendant was committed in the county where the prosecution
20 was commenced, such county may be alleged as the county of the
21 offense.

22 (Source: P.A. 95-384, eff. 1-1-08; 96-354, eff. 8-13-09.)

23 (725 ILCS 5/115-10.3)

24 Sec. 115-10.3. Hearsay exception regarding elder adults.

25 (a) In a prosecution for a physical act, abuse, neglect, or

1 financial exploitation perpetrated upon or against an eligible
2 adult, as defined in the Elder Abuse and Neglect Act, who has
3 been diagnosed by a physician to suffer from (i) any form of
4 dementia, developmental disability, or other form of mental
5 incapacity or (ii) any physical infirmity, including but not
6 limited to prosecutions for violations of Sections 10-1, 10-2,
7 10-3, 10-3.1, 10-4, 11-11, 12-1, 12-2, 12-3, 12-3.2, 12-4,
8 12-4.1, 12-4.2, 12-4.5, 12-4.6, 12-4.7, 12-5, 12-6, 12-7.3,
9 12-7.4, 12-11, 12-11.1, 12-13, 12-14, 12-15, 12-16, 12-21,
10 16-1, 16-1.3, 17-1, 17-3, 17-56, 18-1, 18-2, 18-3, 18-4, 18-5,
11 20-1.1, 24-1.2, and 33A-2 of the Criminal Code of 1961, the
12 following evidence shall be admitted as an exception to the
13 hearsay rule:

14 (1) testimony by an eligible adult, of an out of court
15 statement made by the eligible adult, that he or she
16 complained of such act to another; and

17 (2) testimony of an out of court statement made by the
18 eligible adult, describing any complaint of such act or
19 matter or detail pertaining to any act which is an element
20 of an offense which is the subject of a prosecution for a
21 physical act, abuse, neglect, or financial exploitation
22 perpetrated upon or against the eligible adult.

23 (b) Such testimony shall only be admitted if:

24 (1) The court finds in a hearing conducted outside the
25 presence of the jury that the time, content, and
26 circumstances of the statement provide sufficient

1 safeguards of reliability; and

2 (2) The eligible adult either:

3 (A) testifies at the proceeding; or

4 (B) is unavailable as a witness and there is
5 corroborative evidence of the act which is the subject
6 of the statement.

7 (c) If a statement is admitted pursuant to this Section,
8 the court shall instruct the jury that it is for the jury to
9 determine the weight and credibility to be given the statement
10 and that, in making the determination, it shall consider the
11 condition of the eligible adult, the nature of the statement,
12 the circumstances under which the statement was made, and any
13 other relevant factor.

14 (d) The proponent of the statement shall give the adverse
15 party reasonable notice of his or her intention to offer the
16 statement and the particulars of the statement.

17 (Source: P.A. 92-91, eff. 7-18-01; 93-301, eff. 1-1-04.)

18 Section 10-150. The Unified Code of Corrections is amended
19 by changing Sections 5-5-3, 5-8-4, and 5-9-1.3 as follows:

20 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

21 Sec. 5-5-3. Disposition.

22 (a) (Blank).

23 (b) (Blank).

24 (c) (1) (Blank).

1 (2) A period of probation, a term of periodic
2 imprisonment or conditional discharge shall not be imposed
3 for the following offenses. The court shall sentence the
4 offender to not less than the minimum term of imprisonment
5 set forth in this Code for the following offenses, and may
6 order a fine or restitution or both in conjunction with
7 such term of imprisonment:

8 (A) First degree murder where the death penalty is
9 not imposed.

10 (B) Attempted first degree murder.

11 (C) A Class X felony.

12 (D) A violation of Section 401.1 or 407 of the
13 Illinois Controlled Substances Act, or a violation of
14 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
15 of that Act which relates to more than 5 grams of a
16 substance containing heroin, cocaine, fentanyl, or an
17 analog thereof.

18 (E) A violation of Section 5.1 or 9 of the Cannabis
19 Control Act.

20 (F) A Class 2 or greater felony if the offender had
21 been convicted of a Class 2 or greater felony,
22 including any state or federal conviction for an
23 offense that contained, at the time it was committed,
24 the same elements as an offense now (the date of the
25 offense committed after the prior Class 2 or greater
26 felony) classified as a Class 2 or greater felony,

1 within 10 years of the date on which the offender
2 committed the offense for which he or she is being
3 sentenced, except as otherwise provided in Section
4 40-10 of the Alcoholism and Other Drug Abuse and
5 Dependency Act.

6 (F-5) A violation of Section 24-1, 24-1.1, or
7 24-1.6 of the Criminal Code of 1961 for which
8 imprisonment is prescribed in those Sections.

9 (G) Residential burglary, except as otherwise
10 provided in Section 40-10 of the Alcoholism and Other
11 Drug Abuse and Dependency Act.

12 (H) Criminal sexual assault.

13 (I) Aggravated battery of a senior citizen.

14 (J) A forcible felony if the offense was related to
15 the activities of an organized gang.

16 Before July 1, 1994, for the purposes of this
17 paragraph, "organized gang" means an association of 5
18 or more persons, with an established hierarchy, that
19 encourages members of the association to perpetrate
20 crimes or provides support to the members of the
21 association who do commit crimes.

22 Beginning July 1, 1994, for the purposes of this
23 paragraph, "organized gang" has the meaning ascribed
24 to it in Section 10 of the Illinois Streetgang
25 Terrorism Omnibus Prevention Act.

26 (K) Vehicular hijacking.

1 (L) A second or subsequent conviction for the
2 offense of hate crime when the underlying offense upon
3 which the hate crime is based is felony aggravated
4 assault or felony mob action.

5 (M) A second or subsequent conviction for the
6 offense of institutional vandalism if the damage to the
7 property exceeds \$300.

8 (N) A Class 3 felony violation of paragraph (1) of
9 subsection (a) of Section 2 of the Firearm Owners
10 Identification Card Act.

11 (O) A violation of Section 12-6.1 of the Criminal
12 Code of 1961.

13 (P) A violation of paragraph (1), (2), (3), (4),
14 (5), or (7) of subsection (a) of Section 11-20.1 of the
15 Criminal Code of 1961.

16 (Q) A violation of Section 20-1.2 or 20-1.3 of the
17 Criminal Code of 1961.

18 (R) A violation of Section 24-3A of the Criminal
19 Code of 1961.

20 (S) (Blank).

21 (T) A second or subsequent violation of the
22 Methamphetamine Control and Community Protection Act.

23 (U) A second or subsequent violation of Section
24 6-303 of the Illinois Vehicle Code committed while his
25 or her driver's license, permit, or privilege was
26 revoked because of a violation of Section 9-3 of the

1 Criminal Code of 1961, relating to the offense of
2 reckless homicide, or a similar provision of a law of
3 another state.

4 (V) A violation of paragraph (4) of subsection (c)
5 of Section 11-20.3 of the Criminal Code of 1961.

6 (W) A violation of Section 24-3.5 of the Criminal
7 Code of 1961.

8 (X) A violation of subsection (a) of Section 31-1a
9 of the Criminal Code of 1961.

10 (Y) A conviction for unlawful possession of a
11 firearm by a street gang member when the firearm was
12 loaded or contained firearm ammunition.

13 (3) (Blank).

14 (4) A minimum term of imprisonment of not less than 10
15 consecutive days or 30 days of community service shall be
16 imposed for a violation of paragraph (c) of Section 6-303
17 of the Illinois Vehicle Code.

18 (4.1) (Blank).

19 (4.2) Except as provided in paragraphs (4.3) and (4.8)
20 of this subsection (c), a minimum of 100 hours of community
21 service shall be imposed for a second violation of Section
22 6-303 of the Illinois Vehicle Code.

23 (4.3) A minimum term of imprisonment of 30 days or 300
24 hours of community service, as determined by the court,
25 shall be imposed for a second violation of subsection (c)
26 of Section 6-303 of the Illinois Vehicle Code.

1 (4.4) Except as provided in paragraphs (4.5), (4.6),
2 and (4.9) of this subsection (c), a minimum term of
3 imprisonment of 30 days or 300 hours of community service,
4 as determined by the court, shall be imposed for a third or
5 subsequent violation of Section 6-303 of the Illinois
6 Vehicle Code.

7 (4.5) A minimum term of imprisonment of 30 days shall
8 be imposed for a third violation of subsection (c) of
9 Section 6-303 of the Illinois Vehicle Code.

10 (4.6) Except as provided in paragraph (4.10) of this
11 subsection (c), a minimum term of imprisonment of 180 days
12 shall be imposed for a fourth or subsequent violation of
13 subsection (c) of Section 6-303 of the Illinois Vehicle
14 Code.

15 (4.7) A minimum term of imprisonment of not less than
16 30 consecutive days, or 300 hours of community service,
17 shall be imposed for a violation of subsection (a-5) of
18 Section 6-303 of the Illinois Vehicle Code, as provided in
19 subsection (b-5) of that Section.

20 (4.8) A mandatory prison sentence shall be imposed for
21 a second violation of subsection (a-5) of Section 6-303 of
22 the Illinois Vehicle Code, as provided in subsection (c-5)
23 of that Section. The person's driving privileges shall be
24 revoked for a period of not less than 5 years from the date
25 of his or her release from prison.

26 (4.9) A mandatory prison sentence of not less than 4

1 and not more than 15 years shall be imposed for a third
2 violation of subsection (a-5) of Section 6-303 of the
3 Illinois Vehicle Code, as provided in subsection (d-2.5) of
4 that Section. The person's driving privileges shall be
5 revoked for the remainder of his or her life.

6 (4.10) A mandatory prison sentence for a Class 1 felony
7 shall be imposed, and the person shall be eligible for an
8 extended term sentence, for a fourth or subsequent
9 violation of subsection (a-5) of Section 6-303 of the
10 Illinois Vehicle Code, as provided in subsection (d-3.5) of
11 that Section. The person's driving privileges shall be
12 revoked for the remainder of his or her life.

13 (5) The court may sentence a corporation or
14 unincorporated association convicted of any offense to:

15 (A) a period of conditional discharge;

16 (B) a fine;

17 (C) make restitution to the victim under Section
18 5-5-6 of this Code.

19 (5.1) In addition to any other penalties imposed, and
20 except as provided in paragraph (5.2) or (5.3), a person
21 convicted of violating subsection (c) of Section 11-907 of
22 the Illinois Vehicle Code shall have his or her driver's
23 license, permit, or privileges suspended for at least 90
24 days but not more than one year, if the violation resulted
25 in damage to the property of another person.

26 (5.2) In addition to any other penalties imposed, and

1 except as provided in paragraph (5.3), a person convicted
2 of violating subsection (c) of Section 11-907 of the
3 Illinois Vehicle Code shall have his or her driver's
4 license, permit, or privileges suspended for at least 180
5 days but not more than 2 years, if the violation resulted
6 in injury to another person.

7 (5.3) In addition to any other penalties imposed, a
8 person convicted of violating subsection (c) of Section
9 11-907 of the Illinois Vehicle Code shall have his or her
10 driver's license, permit, or privileges suspended for 2
11 years, if the violation resulted in the death of another
12 person.

13 (5.4) In addition to any other penalties imposed, a
14 person convicted of violating Section 3-707 of the Illinois
15 Vehicle Code shall have his or her driver's license,
16 permit, or privileges suspended for 3 months and until he
17 or she has paid a reinstatement fee of \$100.

18 (5.5) In addition to any other penalties imposed, a
19 person convicted of violating Section 3-707 of the Illinois
20 Vehicle Code during a period in which his or her driver's
21 license, permit, or privileges were suspended for a
22 previous violation of that Section shall have his or her
23 driver's license, permit, or privileges suspended for an
24 additional 6 months after the expiration of the original
25 3-month suspension and until he or she has paid a
26 reinstatement fee of \$100.

1 (6) (Blank).

2 (7) (Blank).

3 (8) (Blank).

4 (9) A defendant convicted of a second or subsequent
5 offense of ritualized abuse of a child may be sentenced to
6 a term of natural life imprisonment.

7 (10) (Blank).

8 (11) The court shall impose a minimum fine of \$1,000
9 for a first offense and \$2,000 for a second or subsequent
10 offense upon a person convicted of or placed on supervision
11 for battery when the individual harmed was a sports
12 official or coach at any level of competition and the act
13 causing harm to the sports official or coach occurred
14 within an athletic facility or within the immediate
15 vicinity of the athletic facility at which the sports
16 official or coach was an active participant of the athletic
17 contest held at the athletic facility. For the purposes of
18 this paragraph (11), "sports official" means a person at an
19 athletic contest who enforces the rules of the contest,
20 such as an umpire or referee; "athletic facility" means an
21 indoor or outdoor playing field or recreational area where
22 sports activities are conducted; and "coach" means a person
23 recognized as a coach by the sanctioning authority that
24 conducted the sporting event.

25 (12) A person may not receive a disposition of court
26 supervision for a violation of Section 5-16 of the Boat

1 Registration and Safety Act if that person has previously
2 received a disposition of court supervision for a violation
3 of that Section.

4 (13) A person convicted of or placed on court
5 supervision for an assault or aggravated assault when the
6 victim and the offender are family or household members as
7 defined in Section 103 of the Illinois Domestic Violence
8 Act of 1986 or convicted of domestic battery or aggravated
9 domestic battery may be required to attend a Partner Abuse
10 Intervention Program under protocols set forth by the
11 Illinois Department of Human Services under such terms and
12 conditions imposed by the court. The costs of such classes
13 shall be paid by the offender.

14 (d) In any case in which a sentence originally imposed is
15 vacated, the case shall be remanded to the trial court. The
16 trial court shall hold a hearing under Section 5-4-1 of the
17 Unified Code of Corrections which may include evidence of the
18 defendant's life, moral character and occupation during the
19 time since the original sentence was passed. The trial court
20 shall then impose sentence upon the defendant. The trial court
21 may impose any sentence which could have been imposed at the
22 original trial subject to Section 5-5-4 of the Unified Code of
23 Corrections. If a sentence is vacated on appeal or on
24 collateral attack due to the failure of the trier of fact at
25 trial to determine beyond a reasonable doubt the existence of a
26 fact (other than a prior conviction) necessary to increase the

1 punishment for the offense beyond the statutory maximum
2 otherwise applicable, either the defendant may be re-sentenced
3 to a term within the range otherwise provided or, if the State
4 files notice of its intention to again seek the extended
5 sentence, the defendant shall be afforded a new trial.

6 (e) In cases where prosecution for aggravated criminal
7 sexual abuse under Section 12-16 of the Criminal Code of 1961
8 results in conviction of a defendant who was a family member of
9 the victim at the time of the commission of the offense, the
10 court shall consider the safety and welfare of the victim and
11 may impose a sentence of probation only where:

12 (1) the court finds (A) or (B) or both are appropriate:

13 (A) the defendant is willing to undergo a court
14 approved counseling program for a minimum duration of 2
15 years; or

16 (B) the defendant is willing to participate in a
17 court approved plan including but not limited to the
18 defendant's:

19 (i) removal from the household;

20 (ii) restricted contact with the victim;

21 (iii) continued financial support of the
22 family;

23 (iv) restitution for harm done to the victim;

24 and

25 (v) compliance with any other measures that
26 the court may deem appropriate; and

1 (2) the court orders the defendant to pay for the
2 victim's counseling services, to the extent that the court
3 finds, after considering the defendant's income and
4 assets, that the defendant is financially capable of paying
5 for such services, if the victim was under 18 years of age
6 at the time the offense was committed and requires
7 counseling as a result of the offense.

8 Probation may be revoked or modified pursuant to Section
9 5-6-4; except where the court determines at the hearing that
10 the defendant violated a condition of his or her probation
11 restricting contact with the victim or other family members or
12 commits another offense with the victim or other family
13 members, the court shall revoke the defendant's probation and
14 impose a term of imprisonment.

15 For the purposes of this Section, "family member" and
16 "victim" shall have the meanings ascribed to them in Section
17 12-12 of the Criminal Code of 1961.

18 (f) (Blank).

19 (g) Whenever a defendant is convicted of an offense under
20 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
21 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
22 of the Criminal Code of 1961, the defendant shall undergo
23 medical testing to determine whether the defendant has any
24 sexually transmissible disease, including a test for infection
25 with human immunodeficiency virus (HIV) or any other identified
26 causative agent of acquired immunodeficiency syndrome (AIDS).

1 Any such medical test shall be performed only by appropriately
2 licensed medical practitioners and may include an analysis of
3 any bodily fluids as well as an examination of the defendant's
4 person. Except as otherwise provided by law, the results of
5 such test shall be kept strictly confidential by all medical
6 personnel involved in the testing and must be personally
7 delivered in a sealed envelope to the judge of the court in
8 which the conviction was entered for the judge's inspection in
9 camera. Acting in accordance with the best interests of the
10 victim and the public, the judge shall have the discretion to
11 determine to whom, if anyone, the results of the testing may be
12 revealed. The court shall notify the defendant of the test
13 results. The court shall also notify the victim if requested by
14 the victim, and if the victim is under the age of 15 and if
15 requested by the victim's parents or legal guardian, the court
16 shall notify the victim's parents or legal guardian of the test
17 results. The court shall provide information on the
18 availability of HIV testing and counseling at Department of
19 Public Health facilities to all parties to whom the results of
20 the testing are revealed and shall direct the State's Attorney
21 to provide the information to the victim when possible. A
22 State's Attorney may petition the court to obtain the results
23 of any HIV test administered under this Section, and the court
24 shall grant the disclosure if the State's Attorney shows it is
25 relevant in order to prosecute a charge of criminal
26 transmission of HIV under Section 12-16.2 of the Criminal Code

1 of 1961 against the defendant. The court shall order that the
2 cost of any such test shall be paid by the county and may be
3 taxed as costs against the convicted defendant.

4 (g-5) When an inmate is tested for an airborne communicable
5 disease, as determined by the Illinois Department of Public
6 Health including but not limited to tuberculosis, the results
7 of the test shall be personally delivered by the warden or his
8 or her designee in a sealed envelope to the judge of the court
9 in which the inmate must appear for the judge's inspection in
10 camera if requested by the judge. Acting in accordance with the
11 best interests of those in the courtroom, the judge shall have
12 the discretion to determine what if any precautions need to be
13 taken to prevent transmission of the disease in the courtroom.

14 (h) Whenever a defendant is convicted of an offense under
15 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
16 defendant shall undergo medical testing to determine whether
17 the defendant has been exposed to human immunodeficiency virus
18 (HIV) or any other identified causative agent of acquired
19 immunodeficiency syndrome (AIDS). Except as otherwise provided
20 by law, the results of such test shall be kept strictly
21 confidential by all medical personnel involved in the testing
22 and must be personally delivered in a sealed envelope to the
23 judge of the court in which the conviction was entered for the
24 judge's inspection in camera. Acting in accordance with the
25 best interests of the public, the judge shall have the
26 discretion to determine to whom, if anyone, the results of the

1 testing may be revealed. The court shall notify the defendant
2 of a positive test showing an infection with the human
3 immunodeficiency virus (HIV). The court shall provide
4 information on the availability of HIV testing and counseling
5 at Department of Public Health facilities to all parties to
6 whom the results of the testing are revealed and shall direct
7 the State's Attorney to provide the information to the victim
8 when possible. A State's Attorney may petition the court to
9 obtain the results of any HIV test administered under this
10 Section, and the court shall grant the disclosure if the
11 State's Attorney shows it is relevant in order to prosecute a
12 charge of criminal transmission of HIV under Section 12-16.2 of
13 the Criminal Code of 1961 against the defendant. The court
14 shall order that the cost of any such test shall be paid by the
15 county and may be taxed as costs against the convicted
16 defendant.

17 (i) All fines and penalties imposed under this Section for
18 any violation of Chapters 3, 4, 6, and 11 of the Illinois
19 Vehicle Code, or a similar provision of a local ordinance, and
20 any violation of the Child Passenger Protection Act, or a
21 similar provision of a local ordinance, shall be collected and
22 disbursed by the circuit clerk as provided under Section 27.5
23 of the Clerks of Courts Act.

24 (j) In cases when prosecution for any violation of Section
25 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
26 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,

1 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
2 Code of 1961, any violation of the Illinois Controlled
3 Substances Act, any violation of the Cannabis Control Act, or
4 any violation of the Methamphetamine Control and Community
5 Protection Act results in conviction, a disposition of court
6 supervision, or an order of probation granted under Section 10
7 of the Cannabis Control Act, Section 410 of the Illinois
8 Controlled Substance Act, or Section 70 of the Methamphetamine
9 Control and Community Protection Act of a defendant, the court
10 shall determine whether the defendant is employed by a facility
11 or center as defined under the Child Care Act of 1969, a public
12 or private elementary or secondary school, or otherwise works
13 with children under 18 years of age on a daily basis. When a
14 defendant is so employed, the court shall order the Clerk of
15 the Court to send a copy of the judgment of conviction or order
16 of supervision or probation to the defendant's employer by
17 certified mail. If the employer of the defendant is a school,
18 the Clerk of the Court shall direct the mailing of a copy of
19 the judgment of conviction or order of supervision or probation
20 to the appropriate regional superintendent of schools. The
21 regional superintendent of schools shall notify the State Board
22 of Education of any notification under this subsection.

23 (j-5) A defendant at least 17 years of age who is convicted
24 of a felony and who has not been previously convicted of a
25 misdemeanor or felony and who is sentenced to a term of
26 imprisonment in the Illinois Department of Corrections shall as

1 a condition of his or her sentence be required by the court to
2 attend educational courses designed to prepare the defendant
3 for a high school diploma and to work toward a high school
4 diploma or to work toward passing the high school level Test of
5 General Educational Development (GED) or to work toward
6 completing a vocational training program offered by the
7 Department of Corrections. If a defendant fails to complete the
8 educational training required by his or her sentence during the
9 term of incarceration, the Prisoner Review Board shall, as a
10 condition of mandatory supervised release, require the
11 defendant, at his or her own expense, to pursue a course of
12 study toward a high school diploma or passage of the GED test.
13 The Prisoner Review Board shall revoke the mandatory supervised
14 release of a defendant who wilfully fails to comply with this
15 subsection (j-5) upon his or her release from confinement in a
16 penal institution while serving a mandatory supervised release
17 term; however, the inability of the defendant after making a
18 good faith effort to obtain financial aid or pay for the
19 educational training shall not be deemed a wilful failure to
20 comply. The Prisoner Review Board shall recommit the defendant
21 whose mandatory supervised release term has been revoked under
22 this subsection (j-5) as provided in Section 3-3-9. This
23 subsection (j-5) does not apply to a defendant who has a high
24 school diploma or has successfully passed the GED test. This
25 subsection (j-5) does not apply to a defendant who is
26 determined by the court to be developmentally disabled or

1 otherwise mentally incapable of completing the educational or
2 vocational program.

3 (k) (Blank).

4 (l) (A) Except as provided in paragraph (C) of subsection
5 (1), whenever a defendant, who is an alien as defined by
6 the Immigration and Nationality Act, is convicted of any
7 felony or misdemeanor offense, the court after sentencing
8 the defendant may, upon motion of the State's Attorney,
9 hold sentence in abeyance and remand the defendant to the
10 custody of the Attorney General of the United States or his
11 or her designated agent to be deported when:

12 (1) a final order of deportation has been issued
13 against the defendant pursuant to proceedings under
14 the Immigration and Nationality Act, and

15 (2) the deportation of the defendant would not
16 deprecate the seriousness of the defendant's conduct
17 and would not be inconsistent with the ends of justice.

18 Otherwise, the defendant shall be sentenced as
19 provided in this Chapter V.

20 (B) If the defendant has already been sentenced for a
21 felony or misdemeanor offense, or has been placed on
22 probation under Section 10 of the Cannabis Control Act,
23 Section 410 of the Illinois Controlled Substances Act, or
24 Section 70 of the Methamphetamine Control and Community
25 Protection Act, the court may, upon motion of the State's
26 Attorney to suspend the sentence imposed, commit the

1 defendant to the custody of the Attorney General of the
2 United States or his or her designated agent when:

3 (1) a final order of deportation has been issued
4 against the defendant pursuant to proceedings under
5 the Immigration and Nationality Act, and

6 (2) the deportation of the defendant would not
7 deprecate the seriousness of the defendant's conduct
8 and would not be inconsistent with the ends of justice.

9 (C) This subsection (1) does not apply to offenders who
10 are subject to the provisions of paragraph (2) of
11 subsection (a) of Section 3-6-3.

12 (D) Upon motion of the State's Attorney, if a defendant
13 sentenced under this Section returns to the jurisdiction of
14 the United States, the defendant shall be recommitted to
15 the custody of the county from which he or she was
16 sentenced. Thereafter, the defendant shall be brought
17 before the sentencing court, which may impose any sentence
18 that was available under Section 5-5-3 at the time of
19 initial sentencing. In addition, the defendant shall not be
20 eligible for additional good conduct credit for
21 meritorious service as provided under Section 3-6-6.

22 (m) A person convicted of criminal defacement of property
23 under Section 21-1.3 of the Criminal Code of 1961, in which the
24 property damage exceeds \$300 and the property damaged is a
25 school building, shall be ordered to perform community service
26 that may include cleanup, removal, or painting over the

1 defacement.

2 (n) The court may sentence a person convicted of a
3 violation of Section 12-19, 12-21, ~~or~~ 16-1.3, or 17-56 of the
4 Criminal Code of 1961 (i) to an impact incarceration program if
5 the person is otherwise eligible for that program under Section
6 5-8-1.1, (ii) to community service, or (iii) if the person is
7 an addict or alcoholic, as defined in the Alcoholism and Other
8 Drug Abuse and Dependency Act, to a substance or alcohol abuse
9 program licensed under that Act.

10 (o) Whenever a person is convicted of a sex offense as
11 defined in Section 2 of the Sex Offender Registration Act, the
12 defendant's driver's license or permit shall be subject to
13 renewal on an annual basis in accordance with the provisions of
14 license renewal established by the Secretary of State.

15 (Source: P.A. 95-188, eff. 8-16-07; 95-259, eff. 8-17-07;
16 95-331, eff. 8-21-07; 95-377, eff. 1-1-08; 95-579, eff. 6-1-08;
17 95-876, eff. 8-21-08; 95-882, eff. 1-1-09; 95-1052, eff.
18 7-1-09; 96-348, eff. 8-12-09; 96-400, eff. 8-13-09; 96-829,
19 eff. 12-3-09.)

20 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

21 Sec. 5-8-4. Concurrent and consecutive terms of
22 imprisonment.

23 (a) Concurrent terms; multiple or additional sentences.
24 When an Illinois court (i) imposes multiple sentences of
25 imprisonment on a defendant at the same time or (ii) imposes a

1 sentence of imprisonment on a defendant who is already subject
2 to a sentence of imprisonment imposed by an Illinois court, a
3 court of another state, or a federal court, then the sentences
4 shall run concurrently unless otherwise determined by the
5 Illinois court under this Section.

6 (b) Concurrent terms; misdemeanor and felony. A defendant
7 serving a sentence for a misdemeanor who is convicted of a
8 felony and sentenced to imprisonment shall be transferred to
9 the Department of Corrections, and the misdemeanor sentence
10 shall be merged in and run concurrently with the felony
11 sentence.

12 (c) Consecutive terms; permissive. The court may impose
13 consecutive sentences in any of the following circumstances:

14 (1) If, having regard to the nature and circumstances
15 of the offense and the history and character of the
16 defendant, it is the opinion of the court that consecutive
17 sentences are required to protect the public from further
18 criminal conduct by the defendant, the basis for which the
19 court shall set forth in the record.

20 (2) If one of the offenses for which a defendant was
21 convicted was a violation of Section 32-5.2 (aggravated
22 false personation of a peace officer) of the Criminal Code
23 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
24 (b) (5) or (b) (6) of Section 17-2 of that Code (720 ILCS
25 5/17-2) and the offense was committed in attempting or
26 committing a forcible felony.

1 (d) Consecutive terms; mandatory. The court shall impose
2 consecutive sentences in each of the following circumstances:

3 (1) One of the offenses for which the defendant was
4 convicted was first degree murder or a Class X or Class 1
5 felony and the defendant inflicted severe bodily injury.

6 (2) The defendant was convicted of a violation of
7 Section 12-13 (criminal sexual assault), 12-14 (aggravated
8 criminal sexual assault), or 12-14.1 (predatory criminal
9 sexual assault of a child) of the Criminal Code of 1961
10 (720 ILCS 5/12-13, 5/12-14, or 5/12-14.1).

11 (3) The defendant was convicted of armed violence based
12 upon the predicate offense of any of the following:
13 solicitation of murder, solicitation of murder for hire,
14 heinous battery, aggravated battery of a senior citizen,
15 criminal sexual assault, a violation of subsection (g) of
16 Section 5 of the Cannabis Control Act (720 ILCS 550/5),
17 cannabis trafficking, a violation of subsection (a) of
18 Section 401 of the Illinois Controlled Substances Act (720
19 ILCS 570/401), controlled substance trafficking involving
20 a Class X felony amount of controlled substance under
21 Section 401 of the Illinois Controlled Substances Act (720
22 ILCS 570/401), a violation of the Methamphetamine Control
23 and Community Protection Act (720 ILCS 646/), calculated
24 criminal drug conspiracy, or streetgang criminal drug
25 conspiracy.

26 (4) The defendant was convicted of the offense of

1 leaving the scene of a motor vehicle accident involving
2 death or personal injuries under Section 11-401 of the
3 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)
4 aggravated driving under the influence of alcohol, other
5 drug or drugs, or intoxicating compound or compounds, or
6 any combination thereof under Section 11-501 of the
7 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
8 homicide under Section 9-3 of the Criminal Code of 1961
9 (720 ILCS 5/9-3), or (C) both an offense described in item
10 (A) and an offense described in item (B).

11 (5) The defendant was convicted of a violation of
12 Section 9-3.1 (concealment of homicidal death) or Section
13 12-20.5 (dismembering a human body) of the Criminal Code of
14 1961 (720 ILCS 5/9-3.1 or 5/12-20.5). ~~or~~

15 (5.5) The ~~(vi) the~~ defendant was convicted of a
16 violation of Section 24-3.7 (use of a stolen firearm in the
17 commission of an offense) of the Criminal Code of 1961. ~~7~~

18 (6) If the defendant was in the custody of the
19 Department of Corrections at the time of the commission of
20 the offense, the sentence shall be served consecutive to
21 the sentence under which the defendant is held by the
22 Department of Corrections. If, however, the defendant is
23 sentenced to punishment by death, the sentence shall be
24 executed at such time as the court may fix without regard
25 to the sentence under which the defendant may be held by
26 the Department.

1 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
2 for escape or attempted escape shall be served consecutive
3 to the terms under which the offender is held by the
4 Department of Corrections.

5 (8) If a person charged with a felony commits a
6 separate felony while on pretrial release or in pretrial
7 detention in a county jail facility or county detention
8 facility, then the sentences imposed upon conviction of
9 these felonies shall be served consecutively regardless of
10 the order in which the judgments of conviction are entered.

11 (8.5) If a person commits a battery against a county
12 correctional officer or sheriff's employee while serving a
13 sentence or in pretrial detention in a county jail
14 facility, then the sentence imposed upon conviction of the
15 battery shall be served consecutively with the sentence
16 imposed upon conviction of the earlier misdemeanor or
17 felony, regardless of the order in which the judgments of
18 conviction are entered.

19 (9) If a person admitted to bail following conviction
20 of a felony commits a separate felony while free on bond or
21 if a person detained in a county jail facility or county
22 detention facility following conviction of a felony
23 commits a separate felony while in detention, then any
24 sentence following conviction of the separate felony shall
25 be consecutive to that of the original sentence for which
26 the defendant was on bond or detained.

1 (10) If a person is found to be in possession of an
2 item of contraband, as defined in clause (c)(2) of Section
3 31A-1.1 of the Criminal Code of 1961, while serving a
4 sentence in a county jail or while in pre-trial detention
5 in a county jail, the sentence imposed upon conviction for
6 the offense of possessing contraband in a penal institution
7 shall be served consecutively to the sentence imposed for
8 the offense in which the person is serving sentence in the
9 county jail or serving pretrial detention, regardless of
10 the order in which the judgments of conviction are entered.

11 (e) Consecutive terms; subsequent non-Illinois term. If an
12 Illinois court has imposed a sentence of imprisonment on a
13 defendant and the defendant is subsequently sentenced to a term
14 of imprisonment by a court of another state or a federal court,
15 then the Illinois sentence shall run consecutively to the
16 sentence imposed by the court of the other state or the federal
17 court. That same Illinois court, however, may order that the
18 Illinois sentence run concurrently with the sentence imposed by
19 the court of the other state or the federal court, but only if
20 the defendant applies to that same Illinois court within 30
21 days after the sentence imposed by the court of the other state
22 or the federal court is finalized.

23 (f) Consecutive terms; aggregate maximums and minimums.
24 The aggregate maximum and aggregate minimum of consecutive
25 sentences shall be determined as follows:

26 (1) For sentences imposed under law in effect prior to

1 February 1, 1978, the aggregate maximum of consecutive
2 sentences shall not exceed the maximum term authorized
3 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
4 Chapter V for the 2 most serious felonies involved. The
5 aggregate minimum period of consecutive sentences shall
6 not exceed the highest minimum term authorized under
7 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
8 V for the 2 most serious felonies involved. When sentenced
9 only for misdemeanors, a defendant shall not be
10 consecutively sentenced to more than the maximum for one
11 Class A misdemeanor.

12 (2) For sentences imposed under the law in effect on or
13 after February 1, 1978, the aggregate of consecutive
14 sentences for offenses that were committed as part of a
15 single course of conduct during which there was no
16 substantial change in the nature of the criminal objective
17 shall not exceed the sum of the maximum terms authorized
18 under Section 5-8-2 (730 ILCS 5/5-8-2) for the 2 most
19 serious felonies involved, but no such limitation shall
20 apply for offenses that were not committed as part of a
21 single course of conduct during which there was no
22 substantial change in the nature of the criminal objective.
23 When sentenced only for misdemeanors, a defendant shall not
24 be consecutively sentenced to more than the maximum for one
25 Class A misdemeanor.

26 (g) Consecutive terms; manner served. In determining the

1 manner in which consecutive sentences of imprisonment, one or
2 more of which is for a felony, will be served, the Department
3 of Corrections shall treat the defendant as though he or she
4 had been committed for a single term subject to each of the
5 following:

6 (1) The maximum period of a term of imprisonment shall
7 consist of the aggregate of the maximums of the imposed
8 indeterminate terms, if any, plus the aggregate of the
9 imposed determinate sentences for felonies, plus the
10 aggregate of the imposed determinate sentences for
11 misdemeanors, subject to subsection (f) of this Section.

12 (2) The parole or mandatory supervised release term
13 shall be as provided in paragraph (e) of Section 5-4.5-50
14 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
15 involved.

16 (3) The minimum period of imprisonment shall be the
17 aggregate of the minimum and determinate periods of
18 imprisonment imposed by the court, subject to subsection
19 (f) of this Section.

20 (4) The defendant shall be awarded credit against the
21 aggregate maximum term and the aggregate minimum term of
22 imprisonment for all time served in an institution since
23 the commission of the offense or offenses and as a
24 consequence thereof at the rate specified in Section 3-6-3
25 (730 ILCS 5/3-6-3).

26 (Source: P.A. 95-379, eff. 8-23-07; 95-766, eff. 1-1-09;

1 95-1052, eff. 7-1-09; 96-190, eff. 1-1-10; revised 8-20-09.)

2 (730 ILCS 5/5-9-1.3) (from Ch. 38, par. 1005-9-1.3)

3 Sec. 5-9-1.3. Fines for offenses involving theft,
4 deceptive practices, and offenses against units of local
5 government or school districts.

6 (a) When a person has been adjudged guilty of a felony
7 under Section 16-1, 16-9 or 17-1 of the Criminal Code of 1961,
8 a fine may be levied by the court in an amount which is the
9 greater of \$25,000 or twice the value of the property which is
10 the subject of the offense.

11 (b) When a person has been convicted of a felony under
12 Section 16-1 of the Criminal Code of 1961 and the theft was
13 committed upon any unit of local government or school district,
14 or the person has been convicted of any violation of Sections
15 33C-1 through 33C-4 or Sections 33E-3 through 33E-18, or
16 subsection (a), (b), (c), or (d) of Section 17-10.3, of the
17 Criminal Code of 1961, a fine may be levied by the court in an
18 amount that is the greater of \$25,000 or treble the value of
19 the property which is the subject of the offense or loss to the
20 unit of local government or school district.

21 (c) All fines imposed under subsection (b) of this Section
22 shall be distributed as follows:

23 (1) An amount equal to 30% shall be distributed to the
24 unit of local government or school district that was the
25 victim of the offense;

1 (2) An amount equal to 30% shall be distributed to the
2 unit of local government whose officers or employees
3 conducted the investigation into the crimes against the
4 unit of local government or school district. Amounts
5 distributed to units of local government shall be used
6 solely for the enforcement of criminal laws protecting
7 units of local government or school districts;

8 (3) An amount equal to 30% shall be distributed to the
9 State's Attorney of the county in which the prosecution
10 resulting in the conviction was instituted. The funds shall
11 be used solely for the enforcement of criminal laws
12 protecting units of local government or school districts;
13 and

14 (4) An amount equal to 10% shall be distributed to the
15 circuit court clerk of the county where the prosecution
16 resulting in the conviction was instituted.

17 (d) A fine order under subsection (b) of this Section is a
18 judgment lien in favor of the victim unit of local government
19 or school district, the State's Attorney of the county where
20 the violation occurred, the law enforcement agency that
21 investigated the violation, and the circuit court clerk.

22 (Source: P.A. 90-800, eff. 1-1-99.)

23 Section 10-155. The Probate Act of 1975 is amended by
24 changing Sections 2-6.2 and 2-6.6 as follows:

1 (755 ILCS 5/2-6.2)

2 Sec. 2-6.2. Financial exploitation, abuse, or neglect of an
3 elderly person or a person with a disability.

4 (a) In this Section:

5 "Abuse" means any offense described in Section 12-21 of the
6 Criminal Code of 1961.

7 "Financial exploitation" means any offense described in
8 Section 16-1.3 or 17-56 of the Criminal Code of 1961.

9 "Neglect" means any offense described in Section 12-19 of
10 the Criminal Code of 1961.

11 (b) Persons convicted of financial exploitation, abuse, or
12 neglect of an elderly person or a person with a disability
13 shall not receive any property, benefit, or other interest by
14 reason of the death of that elderly person or person with a
15 disability, whether as heir, legatee, beneficiary, survivor,
16 appointee, claimant under Section 18-1.1, or in any other
17 capacity and whether the property, benefit, or other interest
18 passes pursuant to any form of title registration, testamentary
19 or nontestamentary instrument, intestacy, renunciation, or any
20 other circumstance. The property, benefit, or other interest
21 shall pass as if the person convicted of the financial
22 exploitation, abuse, or neglect died before the decedent,
23 provided that with respect to joint tenancy property the
24 interest possessed prior to the death by the person convicted
25 of the financial exploitation, abuse, or neglect shall not be
26 diminished by the application of this Section. Notwithstanding

1 the foregoing, a person convicted of financial exploitation,
2 abuse, or neglect of an elderly person or a person with a
3 disability shall be entitled to receive property, a benefit, or
4 an interest in any capacity and under any circumstances
5 described in this subsection (b) if it is demonstrated by clear
6 and convincing evidence that the victim of that offense knew of
7 the conviction and subsequent to the conviction expressed or
8 ratified his or her intent to transfer the property, benefit,
9 or interest to the person convicted of financial exploitation,
10 abuse, or neglect of an elderly person or a person with a
11 disability in any manner contemplated by this subsection (b).

12 (c) (1) The holder of any property subject to the
13 provisions of this Section shall not be liable for
14 distributing or releasing the property to the person
15 convicted of financial exploitation, abuse, or neglect of
16 an elderly person or a person with a disability if the
17 distribution or release occurs prior to the conviction.

18 (2) If the holder is a financial institution, trust
19 company, trustee, or similar entity or person, the holder
20 shall not be liable for any distribution or release of the
21 property, benefit, or other interest to the person
22 convicted of a violation of Section 12-19, 12-21, ~~or~~
23 16-1.3, or 17-56 of the Criminal Code of 1961 unless the
24 holder knowingly distributes or releases the property,
25 benefit, or other interest to the person so convicted after
26 first having received actual written notice of the

1 conviction in sufficient time to act upon the notice.

2 (d) If the holder of any property subject to the provisions
3 of this Section knows that a potential beneficiary has been
4 convicted of financial exploitation, abuse, or neglect of an
5 elderly person or a person with a disability within the scope
6 of this Section, the holder shall fully cooperate with law
7 enforcement authorities and judicial officers in connection
8 with any investigation of the financial exploitation, abuse, or
9 neglect. If the holder is a person or entity that is subject to
10 regulation by a regulatory agency pursuant to the laws of this
11 or any other state or pursuant to the laws of the United
12 States, including but not limited to the business of a
13 financial institution, corporate fiduciary, or insurance
14 company, then such person or entity shall not be deemed to be
15 in violation of this Section to the extent that privacy laws
16 and regulations applicable to such person or entity prevent it
17 from voluntarily providing law enforcement authorities or
18 judicial officers with information.

19 (Source: P.A. 95-315, eff. 1-1-08.)

20 (755 ILCS 5/2-6.6)

21 Sec. 2-6.6. Person convicted of certain offenses against
22 the elderly or disabled. A person who is convicted of a
23 violation of Section 12-19, 12-21, ~~or~~ 16-1.3, or 17-56 of the
24 Criminal Code of 1961 may not receive any property, benefit, or
25 other interest by reason of the death of the victim of that

1 offense, whether as heir, legatee, beneficiary, joint tenant,
2 tenant by the entirety, survivor, appointee, or in any other
3 capacity and whether the property, benefit, or other interest
4 passes pursuant to any form of title registration, testamentary
5 or nontestamentary instrument, intestacy, renunciation, or any
6 other circumstance. The property, benefit, or other interest
7 shall pass as if the person convicted of a violation of Section
8 12-19, 12-21, ~~or~~ 16-1.3, or 17-56 of the Criminal Code of 1961
9 died before the decedent; provided that with respect to joint
10 tenancy property or property held in tenancy by the entirety,
11 the interest possessed prior to the death by the person
12 convicted may not be diminished by the application of this
13 Section. Notwithstanding the foregoing, a person convicted of a
14 violation of Section 12-19, 12-21, ~~or~~ 16-1.3, or 17-56 of the
15 Criminal Code of 1961 shall be entitled to receive property, a
16 benefit, or an interest in any capacity and under any
17 circumstances described in this Section if it is demonstrated
18 by clear and convincing evidence that the victim of that
19 offense knew of the conviction and subsequent to the conviction
20 expressed or ratified his or her intent to transfer the
21 property, benefit, or interest to the person convicted of a
22 violation of Section 12-19, 12-21, ~~or~~ 16-1.3, or 17-56 of the
23 Criminal Code of 1961 in any manner contemplated by this
24 Section.

25 The holder of any property subject to the provisions of
26 this Section is not liable for distributing or releasing the

1 property to the person convicted of violating Section 12-19,
2 12-21, ~~or~~ 16-1.3, or 17-56 of the Criminal Code of 1961.

3 If the holder is a financial institution, trust company,
4 trustee, or similar entity or person, the holder shall not be
5 liable for any distribution or release of the property,
6 benefit, or other interest to the person convicted of a
7 violation of Section 12-19, 12-21, ~~or~~ 16-1.3, or 17-56 of the
8 Criminal Code of 1961 unless the holder knowingly distributes
9 or releases the property, benefit, or other interest to the
10 person so convicted after first having received actual written
11 notice of the conviction in sufficient time to act upon the
12 notice.

13 The Department of State Police shall have access to State
14 of Illinois databases containing information that may help in
15 the identification or location of persons convicted of the
16 offenses enumerated in this Section. Interagency agreements
17 shall be implemented, consistent with security and procedures
18 established by the State agency and consistent with the laws
19 governing the confidentiality of the information in the
20 databases. Information shall be used only for administration of
21 this Section.

22 (Source: P.A. 93-301, eff. 1-1-04.)

23 Section 10-160. The Illinois Human Rights Act is amended by
24 changing Section 4-101 as follows:

1 (775 ILCS 5/4-101) (from Ch. 68, par. 4-101)

2 Sec. 4-101. Definitions. The following definitions are
3 applicable strictly in the context of this Article:

4 (A) Credit Card. "Credit card" has the meaning set forth in
5 Section 17-0.5 of the Criminal Code of 1961 ~~2.03 of the~~
6 ~~Illinois Credit Card and Debit Card Act.~~

7 (B) Financial Institution. "Financial institution" means
8 any bank, credit union, insurance company, mortgage banking
9 company or savings and loan association which operates or has a
10 place of business in this State.

11 (C) Loan. "Loan" includes, but is not limited to, the
12 providing of funds, for consideration, which are sought for:
13 (1) the purpose of purchasing, constructing, improving,
14 repairing, or maintaining a housing accommodation as that term
15 is defined in paragraph (C) of Section 3-101; or (2) any
16 commercial or industrial purposes.

17 (D) Varying Terms. "Varying the terms of a loan" includes,
18 but is not limited to, the following practices:

19 (1) Requiring a greater down payment than is usual for
20 the particular type of a loan involved.

21 (2) Requiring a shorter period of amortization than is
22 usual for the particular type of loan involved.

23 (3) Charging a higher interest rate than is usual for
24 the particular type of loan involved.

25 (4) An under appraisal of real estate or other item of
26 property offered as security.

1 (Source: P.A. 95-331, eff. 8-21-07.)

2 Section 10-165. The Assumed Business Name Act is amended by
3 changing Section 4 as follows:

4 (805 ILCS 405/4) (from Ch. 96, par. 7)

5 Sec. 4. This Act shall in no way affect or apply to any
6 corporation, limited liability company, limited partnership,
7 or limited liability partnership duly organized under the laws
8 of this State, or any corporation, limited liability company,
9 limited partnership, or limited liability partnership
10 organized under the laws of any other State and lawfully doing
11 business in this State, nor shall this Act be deemed or
12 construed to prevent the lawful use of a partnership name or
13 designation, provided that such partnership shall include the
14 true, real name of such person or persons transacting said
15 business or partnership nor shall it be construed as in any way
16 affecting subdivision (a) (8) or subsection (c) of Section 17-2
17 ~~Sections 17-12 and 17-19~~ of the Criminal Code of 1961. This Act
18 shall in no way affect or apply to testamentary or other
19 express trusts where the business is carried on in the name of
20 the trust and such trust is created by will or other instrument
21 in writing under which title to the trust property is vested in
22 a designated trustee or trustees for the use and benefit of the
23 cestuis que trustent.

24 (Source: P.A. 96-328, eff. 8-11-09.)

1 Section 10-170. The Uniform Commercial Code is amended by
2 changing Section 3-505A as follows:

3 (810 ILCS 5/3-505A) (from Ch. 26, par. 3-505A)

4 Sec. 3-505A. Provision of credit card number as a condition
5 of check cashing or acceptance prohibited.

6 (1) No person may record the number of a credit card given
7 as identification or given as proof of creditworthiness when
8 payment for goods or services is made by check or draft other
9 than a transaction in which the check or draft is issued in
10 payment of the credit card designated by the credit card
11 number.

12 (2) This Section shall not prohibit a person from
13 requesting a purchaser to display a credit card as indication
14 of creditworthiness and financial responsibility or as
15 additional identification, but the only information concerning
16 a credit card which may be recorded is the type of credit card
17 so displayed and the issuer of the credit card. This Section
18 shall not require acceptance of a check or draft whether or not
19 a credit card is presented.

20 (3) This Section shall not prohibit a person from
21 requesting or receiving a credit card number or expiration date
22 and recording the number or date, or both, in lieu of a deposit
23 to secure payment in the event of default, loss, damage, or
24 other occurrence.

1 (4) This Section shall not prohibit a person from recording
2 a credit card number and expiration date as a condition for
3 cashing or accepting a check or draft if that person, firm,
4 partnership or association has agreed with the card issuer to
5 cash or accept checks and share drafts from the issuer's
6 cardholders and the issuer guarantees cardholder checks and
7 drafts cashed or accepted by that person.

8 (5) Recording a credit card number in connection with a
9 sale of goods or services in which the purchaser pays by check
10 or draft, or in connection with the acceptance of a check or
11 draft, is a business offense with a fine not to exceed \$500.

12 As used in this Section, credit card has the meaning as
13 defined in Section 17-0.5 of the Criminal Code of 1961 ~~the~~
14 ~~Illinois Credit Card and Debit Card Act.~~

15 (Source: P.A. 87-382.)

16 Section 10-175. The Credit Card Issuance Act is amended by
17 changing Section 1 as follows:

18 (815 ILCS 140/1) (from Ch. 17, par. 6001)

19 Sec. 1. As used in this Act: (a) "Credit card" has the
20 meaning set forth in Section 17-0.5 of the Criminal Code of
21 1961 ~~2.03 of the Illinois Credit Card and Debit Card Act~~, but
22 does not include "debit card" as defined in that Section ~~2.15~~
23 ~~of the Illinois Credit Card and Debit Card Act~~, which can also
24 be used to obtain money, goods, services and anything else of

1 value on credit, nor shall it include any negotiable instrument
2 as defined in the Uniform Commercial Code, as now or hereafter
3 amended; (b) "merchant credit card agreement" means a written
4 agreement between a seller of goods, services or both, and the
5 issuer of a credit card to any other party, pursuant to which
6 the seller is obligated to accept credit cards; and (c) "credit
7 card transaction" means a purchase and sale of goods, services
8 or both, in which a seller, pursuant to a merchant credit card
9 agreement, is obligated to accept a credit card and does accept
10 the credit card in connection with such purchase and sale.

11 (Source: P.A. 86-427; 86-952.)

12 Section 10-180. The Credit Card Liability Act is amended by
13 changing Section 1 as follows:

14 (815 ILCS 145/1) (from Ch. 17, par. 6101)

15 Sec. 1. (a) No person in whose name a credit card is issued
16 without his having requested or applied for the card or for the
17 extension of the credit or establishment of a charge account
18 which that card evidences is liable to the issuer of the card
19 for any purchases made or other amounts owing by a use of that
20 card from which he or a member of his family or household
21 derive no benefit unless he has indicated his acceptance of the
22 card by signing or using the card or by permitting or
23 authorizing use of the card by another. A mere failure to
24 destroy or return an unsolicited card is not such an

1 indication. As used in this Act, "credit card" has the meaning
2 ascribed to it in Section 17-0.5 of the Criminal Code of 1961
3 ~~2.03 of the Illinois Credit Card and Debit Card Act~~, except
4 that it does not include a card issued by any telephone company
5 that is subject to supervision or regulation by the Illinois
6 Commerce Commission or other public authority.

7 (b) When an action is brought by an issuer against the
8 person named on the card, the burden of proving the request,
9 application, authorization, permission, use or benefit as set
10 forth in Section 1 hereof shall be upon plaintiff if put in
11 issue by defendant. In the event of judgment for defendant, the
12 court shall allow defendant a reasonable attorney's fee, to be
13 taxed as costs.

14 (Source: P.A. 95-331, eff. 8-21-07.)

15 Section 10-185. The Interest Act is amended by changing
16 Section 4.1 as follows:

17 (815 ILCS 205/4.1) (from Ch. 17, par. 6405)

18 Sec. 4.1. The term "revolving credit" means an arrangement,
19 including by means of a credit card as defined in Section
20 17-0.5 of the Criminal Code of 1961 ~~2.03 of the Illinois Credit~~
21 ~~Card and Debit Card Act~~ between a lender and debtor pursuant to
22 which it is contemplated or provided that the lender may from
23 time to time make loans or advances to or for the account of
24 the debtor through the means of drafts, items, orders for the

1 payment of money, evidences of debt or similar written
2 instruments, whether or not negotiable, signed by the debtor or
3 by any person authorized or permitted so to do on behalf of the
4 debtor, which loans or advances are charged to an account in
5 respect of which account the lender is to render bills or
6 statements to the debtor at regular intervals (hereinafter
7 sometimes referred to as the "billing cycle") the amount of
8 which bills or statements is payable by and due from the debtor
9 on a specified date stated in such bill or statement or at the
10 debtor's option, may be payable by the debtor in installments.
11 A revolving credit arrangement which grants the debtor a line
12 of credit in excess of \$5,000 may include provisions granting
13 the lender a security interest in real property or in a
14 beneficial interest in a land trust to secure amounts of credit
15 extended by the lender. Credit extended or available under a
16 revolving credit plan operated in accordance with the Illinois
17 Financial Services Development Act shall be deemed to be
18 "revolving credit" as defined in this Section 4.1 but shall not
19 be subject to Sections 4.1a, 4.2 or 4.3 hereof.

20 Whenever a lender is granted a security interest in real
21 property or in a beneficial interest in a land trust, the
22 lender shall disclose the existence of such interest to the
23 borrower in compliance with the Federal Truth in Lending Act,
24 amendments thereto, and any regulations issued or which may be
25 issued thereunder, and shall agree to pay all expenses,
26 including recording fees and otherwise, to release any such

1 security interest of record whenever it no longer secures any
2 credit under a revolving credit arrangement. A lender shall not
3 be granted a security interest in any real property or in any
4 beneficial interest in a land trust under a revolving credit
5 arrangement, or if any such security interest exists, such
6 interest shall be released, if a borrower renders payment of
7 the total outstanding balance due under the revolving credit
8 arrangement and requests in writing to reduce the line of
9 credit below that amount for which a security interest in real
10 property or in a beneficial interest in a land trust may be
11 required by a lender. Any request by a borrower to release a
12 security interest under a revolving credit arrangement shall be
13 granted by the lender provided the borrower renders payment of
14 the total outstanding balance as required by this Section
15 before the security interest of record may be released.

16 (Source: P.A. 95-331, eff. 8-21-07.)

17 Section 10-190. The Consumer Fraud and Deceptive Business
18 Practices Act is amended by changing Section 2NN as follows:

19 (815 ILCS 505/2NN)

20 Sec. 2NN. Receipts; credit card and debit card account
21 numbers.

22 (a) Definitions. As used in this Section:

23 "Cardholder" has the meaning ascribed to it in Section
24 17-0.5 of the Criminal Code of 1961 ~~2.02 of the Illinois Credit~~

1 ~~Card and Debit Card Act.~~

2 "Credit card" has the meaning ascribed to it in Section
3 17-0.5 of the Criminal Code of 1961 ~~2.03 of the Illinois Credit~~
4 ~~Card and Debit Card Act.~~

5 "Debit card" has the meaning ascribed to it in Section
6 17-0.5 of the Criminal Code of 1961 ~~2.15 of the Illinois Credit~~
7 ~~Card and Debit Card Act.~~

8 "Issuer" has the meaning ascribed to it in Section 17-0.5
9 of the Criminal Code of 1961 ~~2.08 of the Illinois Credit Card~~
10 ~~and Debit Card Act.~~

11 "Person" has the meaning ascribed to it in Section 17-0.5
12 of the Criminal Code of 1961 ~~2.09 of the Illinois Credit Card~~
13 ~~and Debit Card Act.~~

14 "Provider" means a person who furnishes money, goods,
15 services, or anything else of value upon presentation, whether
16 physically, in writing, verbally, electronically, or
17 otherwise, of a credit card or debit card by the cardholder, or
18 any agent or employee of that person.

19 (b) Except as otherwise provided in this Section, no
20 provider may print or otherwise produce or reproduce or permit
21 the printing or other production or reproduction of the
22 following: (i) any part of the credit card or debit card
23 account number, other than the last 4 digits or other
24 characters, (ii) the credit card or debit card expiration date
25 on any receipt provided or made available to the cardholder.

26 (c) This Section does not apply to a credit card or debit

1 card transaction in which the sole means available to the
2 provider of recording the credit card or debit card account
3 number is by handwriting or by imprint of the card.

4 (d) This Section does not apply to receipts issued for
5 transactions on the electronic benefits transfer card system in
6 accordance with 7 CFR 274.12(g)(3).

7 (e) A violation of this Section constitutes an unlawful
8 practice within the meaning of this Act.

9 (f) This Section is operative on January 1, 2005.
10 (Source: P.A. 95-331, eff. 8-21-07.)

11 Section 10-195. The Home Repair Fraud Act is amended by
12 changing Section 5 as follows:

13 (815 ILCS 515/5) (from Ch. 121 1/2, par. 1605)

14 Sec. 5. Aggravated Home Repair Fraud. A person commits the
15 offense of aggravated home repair fraud when he commits home
16 repair fraud against an elderly ~~a person 60 years of age or~~
17 ~~elder~~ or a ~~disabled~~ person with a disability as defined in
18 Section 17-56 ~~16-1.3~~ of the Criminal Code of 1961.

19 (a) Aggravated violation of paragraphs (1) or (2) of
20 subsection (a) of Section 3 of this Act shall be a Class 2
21 felony when the amount of the contract or agreement is more
22 than \$500, a Class 4 felony when the amount of the contract or
23 agreement is \$500 or less, and a Class 3 felony for a second or
24 subsequent offense when the amount of the contract or agreement

1 is \$500 or less. If 2 or more contracts or agreements for home
2 repair exceed an aggregate amount of \$500 or more and such
3 contracts or agreements are entered into with the same victim
4 by one or more of the defendants as part of or in furtherance
5 of a common fraudulent scheme, design or intention, the
6 violation shall be a Class 2 felony.

7 (b) Aggravated violation of paragraph (3) of subsection (a)
8 of Section 3 of this Act shall be a Class 2 felony when the
9 amount of the contract or agreement is more than \$5,000 and a
10 Class 3 felony when the amount of the contract or agreement is
11 \$5,000 or less.

12 (c) Aggravated violation of paragraph (4) of subsection (a)
13 of Section 3 of this Act shall be a Class 3 felony when the
14 amount of the contract or agreement is more than \$500, a Class
15 4 felony when the amount of the contract or agreement is \$500
16 or less and a Class 3 felony for a second or subsequent offense
17 when the amount of the contract or agreement is \$500 or less.

18 (d) Aggravated violation of paragraphs (1) or (2) of
19 subsection (b) of Section 3 of this Act shall be a Class 3
20 felony.

21 (e) If a person commits aggravated home repair fraud, then
22 any State or local license or permit held by that person that
23 relates to the business of home repair may be appropriately
24 suspended or revoked by the issuing authority, commensurate
25 with the severity of the offense.

26 (f) A defense to aggravated home repair fraud does not

1 exist merely because the accused reasonably believed the victim
2 to be a person less than 60 years of age.
3 (Source: P.A. 93-542, eff. 1-1-04.)".