



Rep. Jenn Ladisch Douglass

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10300HB2566ham001

LRB103 25855 RLC 58236 a

1 AMENDMENT TO HOUSE BILL 2566

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2566 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by  
5 changing Section 17-1 as follows:

6 (720 ILCS 5/17-1) (from Ch. 38, par. 17-1)  
7 Sec. 17-1. Deceptive practices.

8 (A) General deception.

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

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

14 (2) Being an officer, manager or other person  
15 participating in the direction of a financial institution,

1 he or she knowingly receives or permits the receipt of a  
2 deposit or other investment, knowing that the institution  
3 is insolvent.

4 (3) He or she knowingly makes a false or deceptive  
5 statement addressed to the public for the purpose of  
6 promoting the sale of property or services.

7 (4) He or she knowingly makes a false or deceptive  
8 statement addressed to the public for the purpose of  
9 promoting the lease of property in which he or she has no  
10 legal or equitable interest.

11 (B) Bad checks.

12 A person commits a deceptive practice when:

13 (1) With intent to obtain control over property or to  
14 pay for property, labor or services of another, or in  
15 satisfaction of an obligation for payment of tax under the  
16 Retailers' Occupation Tax Act or any other tax due to the  
17 State of Illinois, he or she issues or delivers a check or  
18 other order upon a real or fictitious depository for the  
19 payment of money, knowing that it will not be paid by the  
20 depository. The trier of fact may infer that the defendant  
21 knows that the check or other order will not be paid by the  
22 depository and that the defendant has acted with intent to  
23 defraud when the defendant fails to have sufficient funds  
24 or credit with the depository when the check or other  
25 order is issued or delivered, or when such check or other

1 order is presented for payment and dishonored on each of 2  
2 occasions at least 7 days apart. In this paragraph (B)(1),  
3 "property" includes rental property (real or personal).

4 (2) He or she issues or delivers a check or other order  
5 upon a real or fictitious depository in an amount  
6 exceeding \$150 in payment of an amount owed on any credit  
7 transaction for property, labor or services, or in payment  
8 of the entire amount owed on any credit transaction for  
9 property, labor or services, knowing that it will not be  
10 paid by the depository, and thereafter fails to provide  
11 funds or credit with the depository in the face amount of  
12 the check or order within 7 days of receiving actual  
13 notice from the depository or payee of the dishonor of the  
14 check or order.

15 (C) Bank-related fraud.

16 (1) False statement.

17 A person commits false statement bank fraud if he or she,  
18 with intent to defraud, makes or causes to be made any false  
19 statement in writing in order to obtain an account with a bank  
20 or other financial institution, or to obtain credit from a  
21 bank or other financial institution, or to obtain services  
22 from a currency exchange, knowing such writing to be false,  
23 and with the intent that it be relied upon.

24 For purposes of this subsection (C), a false statement  
25 means any false statement representing identity, address, or

1 employment, or the identity, address, or employment of any  
2 person, firm, or corporation.

3 (2) Possession of stolen or fraudulently obtained checks.

4 A person commits possession of stolen or fraudulently  
5 obtained checks when he or she possesses, with the intent to  
6 obtain access to funds of another person held in a real or  
7 fictitious deposit account at a financial institution, makes a  
8 false statement or a misrepresentation to the financial  
9 institution, or possesses, transfers, negotiates, or presents  
10 for payment a check, draft, or other item purported to direct  
11 the financial institution to withdraw or pay funds out of the  
12 account holder's deposit account with knowledge that such  
13 possession, transfer, negotiation, or presentment is not  
14 authorized by the account holder or the issuing financial  
15 institution. A person shall be deemed to have been authorized  
16 to possess, transfer, negotiate, or present for payment such  
17 item if the person was otherwise entitled by law to withdraw or  
18 recover funds from the account in question and followed the  
19 requisite procedures under the law. If the account holder,  
20 upon discovery of the withdrawal or payment, claims that the  
21 withdrawal or payment was not authorized, the financial  
22 institution may require the account holder to submit an  
23 affidavit to that effect on a form satisfactory to the  
24 financial institution before the financial institution may be  
25 required to credit the account in an amount equal to the amount  
26 or amounts that were withdrawn or paid without authorization.

1 (3) Possession of implements of check fraud.

2 A person commits possession of implements of check fraud  
3 when he or she possesses, with the intent to defraud and  
4 without the authority of the account holder or financial  
5 institution, any check imprinter, signature imprinter, or  
6 "certified" stamp.

7 (D) Sentence.

8 (1) The commission of a deceptive practice in  
9 violation of this Section, except as otherwise provided by  
10 this subsection (D), is a Class A misdemeanor.

11 (2) For purposes of paragraphs (A) (1) and (B) (1):

12 (a) The commission of a deceptive practice in  
13 violation of paragraph (A) (1) or (B) (1), when the  
14 value of the property so obtained, in a single  
15 transaction or in separate transactions within a  
16 90-day period, exceeds \$150, is a Class 4 felony. In  
17 the case of a prosecution for separate transactions  
18 totaling more than \$150 within a 90-day period, those  
19 separate transactions shall be alleged in a single  
20 charge and prosecuted in a single prosecution.

21 (b) The commission of a deceptive practice in  
22 violation of paragraph (B) (1) a second or subsequent  
23 time is a Class 4 felony.

24 (3) For purposes of paragraph (C) (2), a person who,  
25 within any 12-month period, violates paragraph (C) (2) with

1           respect to 3 or more checks or orders for the payment of  
2           money at the same time or consecutively, each the property  
3           of a different account holder or financial institution, is  
4           guilty of a Class 4 felony.

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

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

1 shall provide written notice to the defendant of the fact that  
2 prior to the hearing of any action under this subsection (E),  
3 the defendant may tender to the plaintiff and the plaintiff  
4 shall accept, as satisfaction of the claim, an amount of money  
5 equal to the sum of the amount of the check and the incurred  
6 court costs, including the cost of service of process, and  
7 attorney's fees.

8 (Source: P.A. 96-1432, eff. 1-1-11; 96-1551, eff. 7-1-11.)".