

1 AN ACT in relation to criminal law.

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

4 Section 5. The Criminal Code of 1961 is amended by
5 changing Section 17-24 and adding Article 16H as follows:

6 (720 ILCS 5/Art. 16H heading new)

7 ARTICLE 16H. ILLINOIS FINANCIAL CRIME LAW

8 (720 ILCS 5/16H-1 new)

9 Sec. 16H-1. Short title. This Article may be cited as
10 the Illinois Financial Crime Act.

11 (720 ILCS 5/16H-5 new)

12 Sec. 16H-5. Legislative declaration. It is the public
13 policy of this State that the substantial burden placed upon
14 the economy of this State resulting from the rising incidence
15 of financial crime is a matter of grave concern to the people
16 of this State who have a right to be protected in their
17 health, safety and welfare from the effects of this crime.

18 (720 ILCS 5/16H-10 new)

19 Sec. 16-10. Definitions. In this Article unless the
20 context otherwise requires:

21 (a) "Financial crime" means an offense described in this
22 Article.

23 (b) "Financial institution" means any bank, savings
24 bank, savings and loan association, credit union, trust
25 company, or other depository of money, or medium of savings
26 and collective investment.

27 (720 ILCS 5/16H-15 new)

1 Sec. 16H-15. Misappropriation of financial institution
 2 property. A person commits the offense of misappropriation of
 3 a financial institution's property whenever the person
 4 knowingly misappropriates, embezzles, abstracts, purloins or
 5 willfully misapplies any of the moneys, funds or credits of
 6 such financial institution, or any moneys, funds, assets or
 7 securities entrusted to the custody or care of such financial
 8 institution, or to the custody or care of any agent, officer,
 9 director, or employee of such financial institution.

10 (720 ILCS 5/16H-20 new)

11 Sec. 16H-20. Commercial bribery involving a financial
 12 institution.

13 (a) A person commits the offense of commercial bribery
 14 involving a financial institution when the person confers or
 15 offers or agrees to confer any benefit upon any employee,
 16 agent, or fiduciary without the consent of the latter's
 17 employer or principal, with intent to influence his or her
 18 conduct in relation to his or her employer's or principal's
 19 affairs.

20 (b) An employee, agent, or fiduciary of a financial
 21 institution commits the offense of commercial bribery of a
 22 financial institution when, without the consent of his or her
 23 employer or principal, he or she solicits, accepts, or agrees
 24 to accept any benefit from another person upon an agreement
 25 or understanding that such benefit will influence his or her
 26 conduct in relation to his or her employer's or principal's
 27 affairs.

28 (720 ILCS 5/16H-25 new)

29 Sec. 16H-25. Financial institution fraud. A person
 30 commits the offense of financial institution fraud when the
 31 person knowingly executes or attempts to execute a scheme or
 32 artifice:

1 (1) to defraud a financial institution; or
 2 (2) to obtain any of the moneys, funds, credits, assets,
 3 securities, or other property owned by or under the custody
 4 or control of a financial institution, by means of pretenses,
 5 representations, or promises he or she knows to be false.

6 For the purposes of this Section, "scheme or artifice to
 7 defraud" includes a scheme or artifice to deprive a financial
 8 institution of the intangible right to honest services.

9 (720 ILCS 5/16H-30 new)

10 Sec. 16H-30. Loan fraud. A person commits the offense of
 11 loan fraud when the person knowingly, with intent to defraud,
 12 makes any false statement or report, or willfully overvalues
 13 any land, property or security, for the purpose of
 14 influencing in any way the action of a financial institution
 15 to act upon any application, advance, discount, purchase,
 16 purchase agreement, repurchase agreement, commitment, or
 17 loan, or any change or extension of any of the same, by
 18 renewal, deferment of action or otherwise, or the acceptance,
 19 release, or substitution of security.

20 (720 ILCS 5/16H-35 new)

21 Sec. 16H-35. Concealment of collateral. A person commits
 22 the offense of concealment of collateral when the person,
 23 with intent to defraud, knowingly conceals, removes, disposes
 24 of, or converts to the person's own use or to that of
 25 another, any property mortgaged or pledged to or held by a
 26 financial institution.

27 (720 ILCS 5/16H-40 new)

28 Sec. 16H-40. Financial institution robbery. A person
 29 commits the offense of financial institution robbery when the
 30 person, by force or threat of force, or by intimidation,
 31 takes, or attempts to take, from the person or presence of

1 another, or obtains or attempts to obtain by extortion, any
 2 property or money or any other thing of value belonging to,
 3 or in the care, custody, control, management, or possession
 4 of, a financial institution.

5 (720 ILCS 5/16H-45 new)

6 Sec. 16H-45. Conspiracy to commit a financial crime.

7 (a) A person commits the offense of a conspiracy to
 8 commit a financial crime when, with the intent that a
 9 violation of this Article be committed, the person agrees
 10 with another person to the commission of that offense.

11 (b) No person may be convicted of conspiracy to commit a
 12 financial crime unless an overt act or acts in furtherance of
 13 the agreement is alleged and proved to have been committed by
 14 that person or by a co-conspirator and the accused is a part
 15 of a common scheme or plan to engage in the unlawful
 16 activity.

17 (c) It shall not be a defense to the offense of a
 18 conspiracy to commit a financial crime that the person or
 19 persons with whom the accused is alleged to have conspired:

- 20 (1) has not been prosecuted or convicted,
- 21 (2) has been convicted of a different offense,
- 22 (3) is not amenable to justice,
- 23 (4) has been acquitted, or
- 24 (5) lacked the capacity to commit the offense.

25 (720 ILCS 5/16H-50 new)

26 Sec. 16H-50. Continuing financial crimes enterprise. A
 27 person commits the offense of a continuing financial crimes
 28 enterprise when the person knowingly, within an 18 month
 29 period, commits 3 or more separate offenses under this
 30 Article, or, if involving a financial institution, any other
 31 felony offenses established under this Code.

1 (720 ILCS 5/16H-55 new)

2 Sec. 16H-55. Organizer of a continuing financial crimes
3 enterprise.

4 (a) A person commits the offense of being an organizer
5 of a continuing financial crimes enterprise when the person:

6 (1) with the intent to commit an offense under this
7 Article, or, if involving a financial institution, any
8 other felony offense established under this Code, agrees
9 with another person to the commission of that offense on
10 3 or more separate occasions within an 18 month period,
11 and

12 (2) with respect to the other persons within the
13 conspiracy, occupies a position of organizer, supervisor,
14 or financier or other position of management.

15 (b) The person with whom the accused agreed to commit
16 the 3 or more offenses under this Article, or, if involving a
17 financial institution, any other felony offenses established
18 under this Code, need not be the same person or persons for
19 each offense, as long as the accused was a part of the common
20 scheme or plan to engage in each of the 3 or more alleged
21 offenses.

22 (720 ILCS 5/16H-60 new)

23 Sec. 16H-60. Sentence.

24 (a) A financial crime, the full value of which does not
25 exceed \$300, is a Class A misdemeanor.

26 (b) A person who has been convicted of a financial
27 crime, the full value of which does not exceed \$300, and who
28 has been previously convicted of a financial crime or any
29 type of theft, robbery, armed robbery, burglary, residential
30 burglary, possession of burglary tools, or home invasion, is
31 guilty of a Class 4 felony. When a person has such prior
32 conviction, the information or indictment charging that
33 person shall state such prior conviction so as to give notice

1 of the State's intention to treat the charge as a felony. The
2 fact of such prior conviction is not an element of the
3 offense and may not be disclosed to the jury during trial
4 unless otherwise permitted by issues properly raised during
5 such trial.

6 (c) A financial crime, the full value of which exceeds
7 \$300 but does not exceed \$10,000, is a Class 3 felony. When a
8 charge of financial crime, the full value of which exceeds
9 \$300 but does not exceed \$10,000, is brought, the value of
10 the financial crime involved is an element of the offense to
11 be resolved by the trier of fact as either exceeding or not
12 exceeding \$300.

13 (d) A financial crime, the full value of which exceeds
14 \$10,000 but does not exceed \$100,000, is a Class 2 felony.
15 When a charge of financial crime, the full value of which
16 exceeds \$10,000 but does not exceed \$100,000, is brought, the
17 value of the financial crime involved is an element of the
18 offense to be resolved by the trier of fact as either
19 exceeding or not exceeding \$10,000.

20 (e) A financial crime, the full value of which exceeds
21 \$100,000, is a Class 1 felony. When a charge of financial
22 crime, the full value of which exceeds \$100,000, is brought,
23 the value of the financial crime involved is an element of
24 the offense to be resolved by the trier of fact as either
25 exceeding or not exceeding \$100,000.

26 (f) A financial crime which is a financial institution
27 robbery is a Class 1 felony.

28 (g) A financial crime which is a continuing financial
29 crimes enterprise is a Class 1 felony.

30 (h) A financial crime which is the offense of being an
31 organizer of a continuing financial crimes enterprise is a
32 Class X felony.

33 (i) Notwithstanding any other provisions of this
34 Section, a financial crime which is loan fraud in connection

1 with a loan secured by residential real estate is a Class 4
2 felony.

3 (720 ILCS 5/16H-65 new)

4 Sec. 16H-65. Period of limitations. The period of
5 limitations for prosecution of any offense defined in this
6 Article begins at the time when the last act in furtherance
7 of the offense is committed.

8 (720 ILCS 5/17-24)

9 Sec. 17-24. Fraudulent schemes and artifices.

10 (a) Fraud by wire, radio, or television.

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

12 (A) devises or intends to devise a scheme or
13 artifice to defraud or to obtain money or property
14 by means of false pretenses, representations, or
15 promises; and

16 (B) (i) transmits or causes to be transmitted
17 from within this State; or

18 (ii) transmits or causes to be
19 transmitted so that it is received by a person
20 within this State; or

21 (iii) transmits or causes to be
22 transmitted so that it is reasonably
23 foreseeable that it will be accessed by a
24 person within this State:

25 any writings, signals, pictures, sounds, or electronic or
26 electric impulses by means of wire, radio, or television
27 communications for the purpose of executing the scheme or
28 artifice.

29 (2) A scheme or artifice to defraud using
30 electronic transmissions is deemed to occur in the county
31 from which a transmission is sent, if the transmission is
32 sent from within this State, the county in which a person

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

4 (3) Wire fraud is a Class 3 felony.

5 (b) Mail fraud.

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

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

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

26 (2) A scheme or artifice to defraud using a
27 government or private carrier is deemed to occur in the
28 county in which mail or other matter is deposited with
29 the Postal Service or a private commercial carrier for
30 delivery, if deposited with the Postal Service or a
31 private or commercial carrier within this State and the
32 county in which a person within this State receives the
33 mail or other matter from the Postal Service or a private
34 or commercial carrier.

1 (3) Mail fraud is a Class 3 felony.

2 (c) (Blank). Financial-institution-fraud-

3 {1}--A-person-is--guilty--of--financial--institution
4 fraud--who--knowingly--executes--or--attempts-to-execute-a
5 scheme-or-artifice:

6 {i}--to-defraud-a-financial-institution; or

7 {ii}--to--obtain--any--of--the--moneys,--funds,
8 credits,--assets,--securities,--or--other-property-owned
9 by,--or--under-the-custody-or-control-of--a--financial
10 institution,--by-means-of-pretenses,--representations,
11 or-promises-he-or-she-knows-to-be-false.

12 {2}--Financial---institution--fraud--is--a--Class--3
13 felony.

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

18 (e) In this Section:

19 (1) "Scheme or artifice to defraud" includes a
20 scheme or artifice to deprive another of the intangible
21 right to honest services.

22 (2) (Blank). "Financial---institution"---has---the
23 meaning-ascribed-to-it-in-paragraph-(i)-of-subsection-(A)
24 of-Section-17-1-of-this-Code.

25 (Source: P.A. 91-228, eff. 1-1-00; 92-16, eff. 6-28-01.)

26 Section 99. This Act takes effect upon becoming law.