

1 AMENDMENT TO SENATE BILL 1053

2 AMENDMENT NO. _____. Amend Senate Bill 1053 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 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 the
10 Illinois Financial Crime Law.

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. 16H-10. Definitions. In this Article unless the

1 context otherwise requires:

2 (a) "Financial crime" means an offense described in this
3 Article.

4 (b) "Financial institution" means any state or national
5 bank with a main office or branch office located in this
6 State, any state or federal savings and loan association or
7 savings bank with a main office or branch office located in
8 this State, or any state or federal credit union with a main
9 office or branch office located in this State, and any parent
10 company, affiliate, or subsidiary of any of the foregoing
11 having an office located in this State.

12 (720 ILCS 5/16H-15 new)

13 Sec. 16H-15. Misappropriation of financial institution
14 property. A person commits the offense of misappropriation of
15 a financial institution's property whenever, being an
16 officer, director, agent, or employee of, or being connected
17 in any capacity with, any financial institution, the person
18 knowingly misappropriates, embezzles, abstracts, purloins, or
19 willfully misapplies any of the moneys, funds, or credits of
20 the financial institution, or any moneys, funds, assets, or
21 securities entrusted to the custody or care of the financial
22 institution or to the custody or care of any agent, officer,
23 director, or employee of such financial institution.

24 (720 ILCS 5/16H-20 new)

25 Sec. 16H-20. Commercial bribery involving a financial
26 institution.

27 (a) A person commits the offense of commercial bribery
28 involving a financial institution when the person confers, or
29 offers or agrees to confer, any benefit upon any employee,
30 agent, or fiduciary without the consent of the latter's
31 employer or principal, with intent to influence his or her
32 conduct in relation to his or her employer's or principal's

1 affairs.

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

10 (720 ILCS 5/16H-25 new)

11 Sec. 16H-25. Financial institution fraud. A person
12 commits the offense of financial institution fraud when the
13 person knowingly executes, or attempts to execute, a scheme
14 or artifice to defraud a financial institution or to obtain
15 any of the moneys, funds, credits, assets, securities, or
16 other property owned by, or under the custody or control of,
17 a financial institution, by means of false or fraudulent
18 pretense, representations, or promises.

19 (720 ILCS 5/16H-30 new)

20 Sec. 16H-30. Loan fraud. A person commits the offense of
21 loan fraud when the person knowingly, with intent to defraud,
22 makes any false statement or report, or willfully overvalues
23 any land, property, or security, for the purpose of
24 influencing in any way the action of a financial institution
25 to act upon any application, advance, discount, purchase,
26 purchase agreement, repurchase agreement, commitment, or
27 loan, or any change or extension of any of the same, by
28 renewal, deferment of action or otherwise, or the acceptance,
29 release, or substitution of security.

30 (720 ILCS 5/16H-35 new)

31 Sec. 16H-35. Concealment of collateral. A person commits

1 the offense of concealment of collateral when the person,
 2 with intent to defraud, knowingly conceals, removes, disposes
 3 of, or converts to the person's own use or to that of
 4 another, any property mortgaged or pledged to or held by a
 5 financial institution.

6 (720 ILCS 5/16H-40 new)

7 Section 16H-40. Financial institution robbery. A person
 8 commits the offense of financial institution robbery when the
 9 person, by force and violence, or by intimidation, takes, or
 10 attempts to take, from the person or presence of another, or
 11 obtains or attempts to obtain by extortion, any property or
 12 money or any other thing of value belonging to, or in the
 13 care, custody, control, management, or possession of, a
 14 financial institution.

15 (720 ILCS 5/16H-45 new)

16 Sec. 16H-45. Continuing financial crimes enterprise. A
 17 person commits the offense of a continuing financial crimes
 18 enterprise when the person knowingly:

19 (1) organizes, manages, supervises, or conducts a series
 20 of violations under this Article, and

21 (2) receives \$1,000,000 or more in gross receipts from
 22 such enterprise during any 12-month period.

23 (720 ILCS 5/16H-50 new)

24 Sec. 16H-50. Sentence.

25 (a) A financial crime, the full value of which does not
 26 exceed \$1,000, is a Class A misdemeanor.

27 (b) A person who has been convicted of a financial crime,
 28 the full value of which does not exceed \$1,000, and who has
 29 been previously convicted of a financial crime or any type of
 30 theft, robbery, armed robbery, burglary, residential
 31 burglary, possession of burglary tools, or home invasion, is

1 guilty of a Class 4 felony. When a person has such a prior
2 conviction, the information or indictment charging that
3 person shall state such prior conviction so as to give notice
4 of the State's intention to treat the charge as a felony. The
5 fact of such prior conviction is not an element of the
6 offense and may not be disclosed to the jury during trial
7 unless otherwise permitted by issues properly raised during
8 such trial.

9 (c) A financial crime, the full value of which exceeds
10 \$1,000 but does not exceed \$10,000, is a Class 4 felony. When
11 a charge of financial crime, the full value of which exceeds
12 \$1,000 but does not exceed \$10,000, is brought, the value of
13 the financial crime involved is an element of the offense to
14 be resolved by the trier of fact as either exceeding or not
15 exceeding \$1,000.

16 (d) A financial crime, the full value of which exceeds
17 \$10,000 but does not exceed \$100,000, is a Class 3 felony.
18 When a charge of financial crime, the full value of which
19 exceeds \$10,000 but does not exceed \$100,000, is brought, the
20 value of the financial crime involved is an element of the
21 offense to be resolved by the trier of fact as either
22 exceeding or not exceeding \$10,000.

23 (e) A financial crime which exceeds \$100,000 is a Class
24 2 felony. When a charge of financial crime, the full value of
25 which exceeds \$100,000, is brought, the value of the
26 financial crime involved is an element of the offense to be
27 resolved by the trier of fact as either exceeding or not
28 exceeding \$100,000.

29 (f) A financial crime which is a financial institution
30 robbery is a Class 1 felony.

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

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

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

3 Section. 99. Effective date. This Act takes effect upon
4 becoming law.".