



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0381

Introduced 1/24/2005, by Rep. Marlow H. Colvin - David E. Miller

SYNOPSIS AS INTRODUCED:

720 ILCS 5/17-29 new

Amends the Criminal Code of 1961. Provides that in addition to any other penalties imposed by law or by an ordinance or resolution of a unit of local government or school district, any individual or entity that knowingly obtains, or assists another to obtain, a contract with a governmental unit because of a false representation that the individual or entity, or the individual or entity assisted, is a minority owned business, female owned business, or business owned by a person with a disability, regardless of whether the preference was established by statute or local ordinance or resolution, is guilty of a Class 4 felony. Provides that the court shall order that an individual or entity convicted of this offense must pay to the governmental unit that awarded the contract a penalty equal to one and one-half times the amount of the contract obtained because of the false representation.

LRB094 06805 RLC 36907 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning 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 adding
5 Section 17-29 as follows:

6 (720 ILCS 5/17-29 new)

7 Sec. 17-29. Minority, female, and persons with a disability
8 owned businesses; fraudulent contracts with governmental
9 units.

10 (a) In this Section:

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

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

22 "Person with a disability" means a person who is a
23 person qualifying as being disabled.

24 "Disabled" means a severe physical or mental
25 disability that: (1) results from: amputation, arthritis,
26 autism, blindness, burn injury, cancer, cerebral palsy,
27 cystic fibrosis, deafness, head injury, heart disease,
28 hemiplegia, hemophilia, respiratory or pulmonary
29 dysfunction, mental retardation, mental illness, multiple
30 sclerosis, muscular dystrophy, musculoskeletal disorders,
31 neurological disorders, including stroke and epilepsy,
32 paraplegia, quadriplegia and other spinal cord conditions,

1 sickle cell anemia, specific learning disabilities, or end
2 stage renal failure disease; and (2) substantially limits
3 one or more of the person's major life activities.

4 "Minority owned business" means a business concern
5 that is at least 51% owned by one or more minority persons,
6 or in the case of a corporation, at least 51% of the stock
7 in which is owned by one or more minority persons; and the
8 management and daily business operations of which are
9 controlled by one or more of the minority individuals who
10 own it.

11 "Female owned business" means a business concern that
12 is at least 51% owned by one or more females, or, in the
13 case of a corporation, at least 51% of the stock in which
14 is owned by one or more females; and the management and
15 daily business operations of which are controlled by one or
16 more of the females who own it.

17 "Business owned by a person with a disability" means a
18 business concern that is at least 51% owned by one or more
19 persons with a disability and the management and daily
20 business operations of which are controlled by one or more
21 of the persons with disabilities who own it. A
22 not-for-profit agency for persons with disabilities that
23 is exempt from taxation under Section 501 of the Internal
24 Revenue Code of 1986 is also considered a "business owned
25 by a person with a disability".

26 "Governmental unit" means the State, a unit of local
27 government, or school district.

28 (b) In addition to any other penalties imposed by law or by
29 an ordinance or resolution of a unit of local government or
30 school district, any individual or entity that knowingly
31 obtains, or knowingly assists another to obtain, a contract
32 with a governmental unit by falsely representing that the
33 individual or entity, or the individual or entity assisted, is
34 a minority owned business, female owned business, or business
35 owned by a person with a disability is guilty of a Class 4
36 felony, regardless of whether the preference for awarding the

1 contract to a minority owned business, female owned business,
2 or business owned by a person with a disability was established
3 by statute or by local ordinance or resolution.

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