

SB0129



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB0129

Introduced 1/27/2011, by Sen. Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

720 ILCS 5/16H-31 new

Amends the Criminal Code of 1961. Creates the offense of perpetrating a fraudulent foreclosure. Provides that a person commits the offense when he or she has a security interest in real property and files a foreclosure action under the Illinois Mortgage Foreclosure Law to terminate the mortgagor's rights and interests in the real property when the circumstances that gave rise to the action are not in violation of the terms of the mortgage agreement, or if the circumstances are in breach of the mortgage agreement, the terms of the mortgage agreement do not permit foreclosure at the time of the filing of the action. Provides that a violation is a Class X felony for which the court shall impose a minimum fine of \$500,000.

LRB097 06219 RLC 46294 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 16H-31 as follows:

6 (720 ILCS 5/16H-31 new)

7 Sec. 16H-31. Perpetuating a fraudulent foreclosure.

8 (a) A person commits perpetrating a fraudulent foreclosure
9 when he or she has a security interest in real property and
10 files a foreclosure action under the Illinois Mortgage
11 Foreclosure Law to terminate the mortgagor's rights and
12 interests in the real property when the circumstances that gave
13 rise to the action are not in violation of the terms of the
14 mortgage agreement, or if the circumstances are in breach of
15 the mortgage agreement, the terms of the mortgage agreement do
16 not permit foreclosure at the time of the filing of the action.

17 (b) Sentence. Perpetrating a fraudulent foreclosure is a
18 Class X felony for which the court shall impose a minimum fine
19 of \$500,000.