

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 17-1 as follows:

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

7 Sec. 17-1. Deceptive practices. (A) As used in this
8 Section:

9 (i) A financial institution means any bank, savings and
10 loan association, credit union, or other depository of money,
11 or medium of savings and collective investment.

12 (ii) An account holder is any person, having a checking
13 account or savings account in a financial institution.

14 (iii) To act with the "intent to defraud" means to act
15 wilfully, and with the specific intent to deceive or cheat,
16 for the purpose of causing financial loss to another, or to
17 bring some financial gain to oneself. It is not necessary to
18 establish that any person was actually defrauded or deceived.

19 (B) General Deception

20 A person commits a deceptive practice when, with intent to
21 defraud:

22 (a) He causes another, by deception or threat to execute
23 a document disposing of property or a document by which a
24 pecuniary obligation is incurred, or

25 (b) Being an officer, manager or other person
26 participating in the direction of a financial institution, he
27 knowingly receives or permits the receipt of a deposit or
28 other investment, knowing that the institution is insolvent,
29 or

30 (c) He knowingly makes or directs another to make a
31 false or deceptive statement addressed to the public for the

1 purpose of promoting the sale of property or services, or
2 (d) With intent to obtain control over property or to
3 pay for property, labor or services of another, or in
4 satisfaction of an obligation for payment of tax under the
5 Retailers' Occupation Tax Act or any other tax due to the
6 State of Illinois, he issues or delivers a check or other
7 order upon a real or fictitious depository for the payment of
8 money, knowing that it will not be paid by the depository.
9 Failure to have sufficient funds or credit with the
10 depository when the check or other order is issued or
11 delivered, or when such check or other order is presented for
12 payment and dishonored on each of 2 occasions at least 7 days
13 apart, is prima facie evidence that the offender knows that
14 it will not be paid by the depository, and that he has the
15 intent to defraud. In this paragraph (d), "property" includes
16 rental property (real or personal).

17 (e) He issues or delivers a check or other order upon a
18 real or fictitious depository in an amount exceeding \$150 in
19 payment of an amount owed on any credit transaction for
20 property, labor or services, or in payment of the entire
21 amount owed on any credit transaction for property, labor or
22 services, knowing that it will not be paid by the depository,
23 and thereafter fails to provide funds or credit with the
24 depository in the face amount of the check or order within
25 seven days of receiving actual notice from the depository or
26 payee of the dishonor of the check or order.

27 Sentence.

28 A person convicted of deceptive practice under paragraphs
29 (a) through (e) of this subsection (B), except as otherwise
30 provided by this Section, is guilty of a Class A misdemeanor.

31 A person convicted of a deceptive practice in violation
32 of paragraph (d) a second or subsequent time shall be guilty
33 of a Class 4 felony.

34 A person convicted of deceptive practices in violation of

1 paragraph (d), when the value of the property so obtained, in
2 a single transaction, or in separate transactions within a 90
3 day period, exceeds \$150, shall be guilty of a Class 4
4 felony. In the case of a prosecution for separate
5 transactions totaling more than \$150 within a 90 day period,
6 such separate transactions shall be alleged in a single
7 charge and provided in a single prosecution.

8 (C) Deception on a Bank or Other Financial Institution
9 False Statements

10 1) Any person who, with the intent to defraud, makes or
11 causes to be made, any false statement in writing in order to
12 obtain an account with a bank or other financial institution,
13 or to obtain credit from a bank or other financial
14 institution, knowing such writing to be false, and with the
15 intent that it be relied upon, is guilty of a Class A
16 misdemeanor.

17 For purposes of this subsection (C), a false statement
18 shall mean any false statement representing identity,
19 address, or employment, or the identity, address or
20 employment of any person, firm or corporation.

21 Possession of Stolen or Fraudulently Obtained Checks

22 2) Any person who possesses, with the intent to defraud,
23 any check or order for the payment of money, upon a real or
24 fictitious account, without the consent of the account
25 holder, or the issuing financial institution, is guilty of a
26 Class A misdemeanor.

27 Any person who, within any 12 month period, violates this
28 Section with respect to 3 or more checks or orders for the
29 payment of money at the same time or consecutively, each the
30 property of a different account holder or financial
31 institution, is guilty of a Class 4 felony.

32 3) Possession of Implements of Check Fraud. Any person
33 who possesses, with the intent to defraud, and without the
34 authority of the account holder or financial institution any

1 check imprinter, signature imprinter, or "certified" stamp is
2 guilty of a Class A misdemeanor.

3 A person who within any 12 month period violates this
4 subsection (C) as to possession of 3 or more such devices at
5 the same time or consecutively, is guilty of a Class 4
6 felony.

7 Possession of Identification Card

8 4) Any person, who with the intent to defraud, possesses
9 any check guarantee card or key card or identification card
10 for cash dispensing machines without the authority of the
11 account holder or financial institution, is guilty of a Class
12 A misdemeanor.

13 A person who, within any 12 month period, violates this
14 Section at the same time or consecutively with respect to 3
15 or more cards, each the property of different account
16 holders, is guilty of a class 4 felony.

17 A person convicted under this Section, when the value of
18 property so obtained, in a single transaction, or in separate
19 transactions within any 90 day period, exceeds \$150 shall be
20 guilty of a Class 4 felony.

21 (Source: P.A. 84-897.)