



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3125

by Rep. David A. Welter

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/17-2

from Ch. 38, par. 17-2

Amends the Criminal Code of 2012. Provides that the penalty for a person who commits a false personation by knowingly and falsely representing himself or herself to be an active-duty member of the Armed Services or Reserve Forces of the United States or the National Guard or a veteran of the Armed Services or Reserve Forces of the United States or the National Guard and obtains money, property, or another tangible benefit through that false representation is guilty of a Class A misdemeanor for which the offender shall be fined \$5,000 (rather than a petty offense for which the offender shall be fined at least \$100 and not more than \$200).

LRB100 10655 RLC 20878 b

CORRECTIONAL  
BUDGET AND  
IMPACT 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 2012 is amended by changing  
5 Section 17-2 as follows:

6 (720 ILCS 5/17-2) (from Ch. 38, par. 17-2)  
7 Sec. 17-2. False personation; solicitation.

8 (a) False personation; solicitation.

9 (1) A person commits a false personation when he or she  
10 knowingly and falsely represents himself or herself to be a  
11 member or representative of any veterans' or public safety  
12 personnel organization or a representative of any  
13 charitable organization, or when he or she knowingly  
14 exhibits or uses in any manner any decal, badge or insignia  
15 of any charitable, public safety personnel, or veterans'  
16 organization when not authorized to do so by the  
17 charitable, public safety personnel, or veterans'  
18 organization. "Public safety personnel organization" has  
19 the meaning ascribed to that term in Section 1 of the  
20 Solicitation for Charity Act.

21 (2) A person commits a false personation when he or she  
22 knowingly and falsely represents himself or herself to be a  
23 veteran in seeking employment or public office. In this

1 paragraph, "veteran" means a person who has served in the  
2 Armed Services or Reserve Forces of the United States.

3 (2.1) A person commits a false personation when he or  
4 she knowingly and falsely represents himself or herself to  
5 be:

6 (A) an active-duty member of the Armed Services or  
7 Reserve Forces of the United States or the National  
8 Guard or a veteran of the Armed Services or Reserve  
9 Forces of the United States or the National Guard; and

10 (B) obtains money, property, or another tangible  
11 benefit through that false representation.

12 In this paragraph, "member of the Armed Services or  
13 Reserve Forces of the United States" means a member of the  
14 United States Navy, Army, Air Force, Marine Corps, or Coast  
15 Guard; and "veteran" means a person who has served in the  
16 Armed Services or Reserve Forces of the United States or  
17 the National Guard.

18 (2.5) A person commits a false personation when he or  
19 she knowingly and falsely represents himself or herself to  
20 be:

21 (A) another actual person and does an act in such  
22 assumed character with intent to intimidate, threaten,  
23 injure, defraud, or to obtain a benefit from another;  
24 or

25 (B) a representative of an actual person or  
26 organization and does an act in such false capacity

1 with intent to obtain a benefit or to injure or defraud  
2 another.

3 (3) No person shall knowingly use the words "Police",  
4 "Police Department", "Patrolman", "Sergeant",  
5 "Lieutenant", "Peace Officer", "Sheriff's Police",  
6 "Sheriff", "Officer", "Law Enforcement", "Trooper",  
7 "Deputy", "Deputy Sheriff", "State Police", or any other  
8 words to the same effect (i) in the title of any  
9 organization, magazine, or other publication without the  
10 express approval of the named public safety personnel  
11 organization's governing board or (ii) in combination with  
12 the name of any state, state agency, public university, or  
13 unit of local government without the express written  
14 authorization of that state, state agency, public  
15 university, or unit of local government.

16 (4) No person may knowingly claim or represent that he  
17 or she is acting on behalf of any public safety personnel  
18 organization when soliciting financial contributions or  
19 selling or delivering or offering to sell or deliver any  
20 merchandise, goods, services, memberships, or  
21 advertisements unless the chief of the police department,  
22 fire department, and the corporate or municipal authority  
23 thereof, or the sheriff has first entered into a written  
24 agreement with the person or with an organization with  
25 which the person is affiliated and the agreement permits  
26 the activity and specifies and states clearly and fully the

1 purpose for which the proceeds of the solicitation,  
2 contribution, or sale will be used.

3 (5) No person, when soliciting financial contributions  
4 or selling or delivering or offering to sell or deliver any  
5 merchandise, goods, services, memberships, or  
6 advertisements may claim or represent that he or she is  
7 representing or acting on behalf of any nongovernmental  
8 organization by any name which includes "officer", "peace  
9 officer", "police", "law enforcement", "trooper",  
10 "sheriff", "deputy", "deputy sheriff", "State police", or  
11 any other word or words which would reasonably be  
12 understood to imply that the organization is composed of  
13 law enforcement personnel unless:

14 (A) the person is actually representing or acting  
15 on behalf of the nongovernmental organization;

16 (B) the nongovernmental organization is controlled  
17 by and governed by a membership of and represents a  
18 group or association of active duty peace officers,  
19 retired peace officers, or injured peace officers; and

20 (C) before commencing the solicitation or the sale  
21 or the offers to sell any merchandise, goods, services,  
22 memberships, or advertisements, a written contract  
23 between the soliciting or selling person and the  
24 nongovernmental organization, which specifies and  
25 states clearly and fully the purposes for which the  
26 proceeds of the solicitation, contribution, or sale

1 will be used, has been entered into.

2 (6) No person, when soliciting financial contributions  
3 or selling or delivering or offering to sell or deliver any  
4 merchandise, goods, services, memberships, or  
5 advertisements, may knowingly claim or represent that he or  
6 she is representing or acting on behalf of any  
7 nongovernmental organization by any name which includes  
8 the term "fireman", "fire fighter", "paramedic", or any  
9 other word or words which would reasonably be understood to  
10 imply that the organization is composed of fire fighter or  
11 paramedic personnel unless:

12 (A) the person is actually representing or acting  
13 on behalf of the nongovernmental organization;

14 (B) the nongovernmental organization is controlled  
15 by and governed by a membership of and represents a  
16 group or association of active duty, retired, or  
17 injured fire fighters (for the purposes of this  
18 Section, "fire fighter" has the meaning ascribed to  
19 that term in Section 2 of the Illinois Fire Protection  
20 Training Act) or active duty, retired, or injured  
21 emergency medical technicians - ambulance, emergency  
22 medical technicians - intermediate, emergency medical  
23 technicians - paramedic, ambulance drivers, or other  
24 medical assistance or first aid personnel; and

25 (C) before commencing the solicitation or the sale  
26 or delivery or the offers to sell or deliver any

1 merchandise, goods, services, memberships, or  
2 advertisements, the soliciting or selling person and  
3 the nongovernmental organization have entered into a  
4 written contract that specifies and states clearly and  
5 fully the purposes for which the proceeds of the  
6 solicitation, contribution, or sale will be used.

7 (7) No person may knowingly claim or represent that he  
8 or she is an airman, airline employee, airport employee, or  
9 contractor at an airport in order to obtain the uniform,  
10 identification card, license, or other identification  
11 paraphernalia of an airman, airline employee, airport  
12 employee, or contractor at an airport.

13 (8) No person, firm, copartnership, or corporation  
14 (except corporations organized and doing business under  
15 the Pawnners Societies Act) shall knowingly use a name that  
16 contains in it the words "Pawnners' Society".

17 (b) False personation; public officials and employees. A  
18 person commits a false personation if he or she knowingly and  
19 falsely represents himself or herself to be any of the  
20 following:

21 (1) An attorney authorized to practice law for purposes  
22 of compensation or consideration. This paragraph (b)(1)  
23 does not apply to a person who unintentionally fails to pay  
24 attorney registration fees established by Supreme Court  
25 Rule.

26 (2) A public officer or a public employee or an

1 official or employee of the federal government.

2 (2.3) A public officer, a public employee, or an  
3 official or employee of the federal government, and the  
4 false representation is made in furtherance of the  
5 commission of felony.

6 (2.7) A public officer or a public employee, and the  
7 false representation is for the purpose of effectuating  
8 identity theft as defined in Section 16-30 of this Code.

9 (3) A peace officer.

10 (4) A peace officer while carrying a deadly weapon.

11 (5) A peace officer in attempting or committing a  
12 felony.

13 (6) A peace officer in attempting or committing a  
14 forcible felony.

15 (7) The parent, legal guardian, or other relation of a  
16 minor child to any public official, public employee, or  
17 elementary or secondary school employee or administrator.

18 (7.5) The legal guardian, including any representative  
19 of a State or public guardian, of a person with a  
20 disability appointed under Article XIa of the Probate Act  
21 of 1975.

22 (8) A fire fighter.

23 (9) A fire fighter while carrying a deadly weapon.

24 (10) A fire fighter in attempting or committing a  
25 felony.

26 (11) An emergency management worker of any



1 jurisdiction in this State.

2 (12) An emergency management worker of any  
3 jurisdiction in this State in attempting or committing a  
4 felony. For the purposes of this subsection (b), "emergency  
5 management worker" has the meaning provided under Section  
6 2-6.6 of this Code.

7 (b-5) The trier of fact may infer that a person falsely  
8 represents himself or herself to be a public officer or a  
9 public employee or an official or employee of the federal  
10 government if the person:

11 (1) wears or displays without authority any uniform,  
12 badge, insignia, or facsimile thereof by which a public  
13 officer or public employee or official or employee of the  
14 federal government is lawfully distinguished; or

15 (2) falsely expresses by word or action that he or she  
16 is a public officer or public employee or official or  
17 employee of the federal government and is acting with  
18 approval or authority of a public agency or department.

19 (c) Fraudulent advertisement of a corporate name.

20 (1) A company, association, or individual commits  
21 fraudulent advertisement of a corporate name if he, she, or  
22 it, not being incorporated, puts forth a sign or  
23 advertisement and assumes, for the purpose of soliciting  
24 business, a corporate name.

25 (2) Nothing contained in this subsection (c) prohibits  
26 a corporation, company, association, or person from using a

1           divisional designation or trade name in conjunction with  
2           its corporate name or assumed name under Section 4.05 of  
3           the Business Corporation Act of 1983 or, if it is a member  
4           of a partnership or joint venture, from doing partnership  
5           or joint venture business under the partnership or joint  
6           venture name. The name under which the joint venture or  
7           partnership does business may differ from the names of the  
8           members. Business may not be conducted or transacted under  
9           that joint venture or partnership name, however, unless all  
10          provisions of the Assumed Business Name Act have been  
11          complied with. Nothing in this subsection (c) permits a  
12          foreign corporation to do business in this State without  
13          complying with all Illinois laws regulating the doing of  
14          business by foreign corporations. No foreign corporation  
15          may conduct or transact business in this State as a member  
16          of a partnership or joint venture that violates any  
17          Illinois law regulating or pertaining to the doing of  
18          business by foreign corporations in Illinois.

19               (3) The provisions of this subsection (c) do not apply  
20               to limited partnerships formed under the Revised Uniform  
21               Limited Partnership Act or under the Uniform Limited  
22               Partnership Act (2001).

23               (d) False law enforcement badges.

24               (1) A person commits false law enforcement badges if he  
25               or she knowingly produces, sells, or distributes a law  
26               enforcement badge without the express written consent of

1 the law enforcement agency represented on the badge or, in  
2 case of a reorganized or defunct law enforcement agency,  
3 its successor law enforcement agency.

4 (2) It is a defense to false law enforcement badges  
5 that the law enforcement badge is used or is intended to be  
6 used exclusively: (i) as a memento or in a collection or  
7 exhibit; (ii) for decorative purposes; or (iii) for a  
8 dramatic presentation, such as a theatrical, film, or  
9 television production.

10 (e) False medals.

11 (1) A person commits a false personation if he or she  
12 knowingly and falsely represents himself or herself to be a  
13 recipient of, or wears on his or her person, any of the  
14 following medals if that medal was not awarded to that  
15 person by the United States Government, irrespective of  
16 branch of service: The Congressional Medal of Honor, The  
17 Distinguished Service Cross, The Navy Cross, The Air Force  
18 Cross, The Silver Star, The Bronze Star, or the Purple  
19 Heart.

20 (2) It is a defense to a prosecution under paragraph  
21 (e)(1) that the medal is used, or is intended to be used,  
22 exclusively:

23 (A) for a dramatic presentation, such as a  
24 theatrical, film, or television production, or a  
25 historical re-enactment; or

26 (B) for a costume worn, or intended to be worn, by

1 a person under 18 years of age.

2 (f) Sentence.

3 (1) A violation of paragraph (a) (8) is a petty offense  
4 subject to a fine of not less than \$5 nor more than \$100,  
5 and the person, firm, copartnership, or corporation  
6 commits an additional petty offense for each day he, she,  
7 or it continues to commit the violation. A violation of  
8 paragraph (c) (1) is a petty offense, and the company,  
9 association, or person commits an additional petty offense  
10 for each day he, she, or it continues to commit the  
11 violation. A violation of ~~paragraph (a) (2.1) or~~ subsection  
12 (e) is a petty offense for which the offender shall be  
13 fined at least \$100 and not more than \$200.

14 (2) A violation of paragraph (a) (1), (a) (3), or  
15 (b) (7.5) is a Class C misdemeanor.

16 (3) A violation of paragraph (a) (2), (a) (2.5), (a) (7),  
17 (b) (2), or (b) (7) or subsection (d) is a Class A  
18 misdemeanor. A second or subsequent violation of  
19 subsection (d) is a Class 3 felony.

20 (4) A violation of paragraph (a) (4), (a) (5), (a) (6),  
21 (b) (1), (b) (2.3), (b) (2.7), (b) (3), (b) (8), or (b) (11) is a  
22 Class 4 felony.

23 (5) A violation of paragraph (b) (4), (b) (9), or (b) (12)  
24 is a Class 3 felony.

25 (6) A violation of paragraph (b) (5) or (b) (10) is a  
26 Class 2 felony.

1           (7) A violation of paragraph (b)(6) is a Class 1  
2 felony.

3           (8) A violation of paragraph (a)(2.1) is a Class A  
4 misdemeanor for which the offender shall be fined \$5,000.

5           (g) A violation of subsection (a)(1) through (a)(7) or  
6 subsection (e) of this Section may be accomplished in person or  
7 by any means of communication, including but not limited to the  
8 use of an Internet website or any form of electronic  
9 communication.

10          (Source: P.A. 98-1125, eff. 1-1-15; 99-143, eff. 7-27-15;  
11 99-561, eff. 7-15-16; revised 9-2-16.)