

SB3738



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3738

Introduced 2/14/2020, by Sen. Andy Manar

SYNOPSIS AS INTRODUCED:

720 ILCS 5/17-2

from Ch. 38, par. 17-2

Amends the Criminal Code of 2012. Provides that a person commits a false personation if he or she knowingly and falsely represents himself or herself to be a census worker employed by the federal or State government, or their regional intermediary, grantee, subgrantee, or temporary volunteer for the purpose of effectuating identity theft or in furtherance of the commission of a felony. Provides that a violation of false personation of a census worker is a Class 4 felony. Clarifies that the offense applies to both false personation accomplished in person or by any means of communication. Effective immediately.

LRB101 20705 RJF 70376 b

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 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 (2.9) A census worker employed by the federal or State
10 government, or their regional intermediary, grantee,
11 subgrantee, or temporary volunteer for the purpose of
12 effectuating identity theft as defined in Section 16-30 of
13 this Code or in furtherance of the commission of a felony.

14 (3) A peace officer.

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

16 (5) A peace officer in attempting or committing a
17 felony.

18 (6) A peace officer in attempting or committing a
19 forcible felony.

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

23 (7.5) The legal guardian, including any representative
24 of a State or public guardian, of a person with a
25 disability appointed under Article XIa of the Probate Act
26 of 1975.

1 (8) A fire fighter.

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

3 (10) A fire fighter in attempting or committing a
4 felony.

5 (11) An emergency management worker of any
6 jurisdiction in this State.

7 (12) An emergency management worker of any
8 jurisdiction in this State in attempting or committing a
9 felony. For the purposes of this subsection (b), "emergency
10 management worker" has the meaning provided under Section
11 2-6.6 of this Code.

12 (b-5) The trier of fact may infer that a person falsely
13 represents himself or herself to be a public officer or a
14 public employee or an official or employee of the federal
15 government if the person:

16 (1) wears or displays without authority any uniform,
17 badge, insignia, or facsimile thereof by which a public
18 officer or public employee or official or employee of the
19 federal government is lawfully distinguished; or

20 (2) falsely expresses by word or action that he or she
21 is a public officer or public employee or official or
22 employee of the federal government and is acting with
23 approval or authority of a public agency or department.

24 (c) Fraudulent advertisement of a corporate name.

25 (1) A company, association, or individual commits
26 fraudulent advertisement of a corporate name if he, she, or

1 it, not being incorporated, puts forth a sign or
2 advertisement and assumes, for the purpose of soliciting
3 business, a corporate name.

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

24 (3) The provisions of this subsection (c) do not apply
25 to limited partnerships formed under the Revised Uniform
26 Limited Partnership Act or under the Uniform Limited

1 Partnership Act (2001).

2 (d) False law enforcement badges.

3 (1) A person commits false law enforcement badges if he
4 or she knowingly produces, sells, or distributes a law
5 enforcement badge without the express written consent of
6 the law enforcement agency represented on the badge or, in
7 case of a reorganized or defunct law enforcement agency,
8 its successor law enforcement agency.

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

15 (e) False medals.

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

25 (2) It is a defense to a prosecution under paragraph
26 (e)(1) that the medal is used, or is intended to be used,

1 exclusively:

2 (A) for a dramatic presentation, such as a
3 theatrical, film, or television production, or a
4 historical re-enactment; or

5 (B) for a costume worn, or intended to be worn, by
6 a person under 18 years of age.

7 (f) Sentence.

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

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

21 (3) A violation of paragraph (a)(2), (a)(2.5), (a)(7),
22 (b)(2), or (b)(7) or subsection (d) is a Class A
23 misdemeanor. A second or subsequent violation of
24 subsection (d) is a Class 3 felony.

25 (4) A violation of paragraph (a)(4), (a)(5), (a)(6),
26 (b)(1), (b)(2.3), (b)(2.7), (b)(2.9), (b)(3), (b)(8), or

1 (b) (11) is a Class 4 felony.

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

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

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

8 (g) A violation of subsection (a) (1) through (a) (7),
9 subsection (b) (2.9), or subsection (e) of this Section may be
10 accomplished in person or by any means of communication,
11 including but not limited to the use of an Internet website or
12 any form of electronic communication.

13 (Source: P.A. 99-143, eff. 7-27-15; 99-561, eff. 7-15-16;
14 100-201, eff. 8-18-17.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.