



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5789

Introduced 11/16/2022, by Rep. Maurice A. West, II

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/17-2

from Ch. 38, par. 17-2

720 ILCS 5/26.5-3

Amends the Criminal Code of 2012. Provides that a person also commits false personation when he or she knowingly and falsely represents himself or herself to be another actual person and does an act in such assumed character with intent to injure the reputation of (rather than injure) or to fraudulently represent himself or herself to the online contacts of another. Provides that a person also commits harassment through electronic communications when he or she uses electronic communication for: (1) making any comment, request, suggestion, or proposal with an intent to harass, annoy, alarm, abuse, torment, or embarrass any individual; or (2) creating a fictitious online persona or account without permission of another using another person's picture, name, or likeness with the intent to commit a fraud, emotional distress, injure the reputation of, or make contact with other personal online contacts of the non-consenting person.

LRB102 28240 RJT 40110 b

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  
5 changing Sections 17-2 and 26.5-3 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  
10 she knowingly and falsely represents himself or herself to  
11 be a member or representative of any veterans' or public  
12 safety 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  
15 insignia of any charitable, public safety personnel, or  
16 veterans' 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  
22 she knowingly and falsely represents himself or herself to  
23 be a veteran in seeking employment or public office. In

1           this paragraph, "veteran" means a person who has served in  
2           the 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  
15           Coast Guard; and "veteran" means a person who has served  
16           in the Armed Services or Reserve Forces of the United  
17           States or 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 the reputation of, defraud, fraudulently  
24                   represent himself or herself to the online contacts of  
25                   another, or to obtain a benefit from another; or

26                   (B) a representative of an actual person or

1 organization and does an act in such false capacity  
2 with intent to obtain a benefit or to injure or defraud  
3 another.

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

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

1 the activity and specifies and states clearly and fully  
2 the purpose for which the proceeds of the solicitation,  
3 contribution, or sale will be used.

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

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

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

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

1           proceeds of the solicitation, contribution, or sale  
2           will be used, has been entered into.

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

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

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

26                   (C) before commencing the solicitation or the sale

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

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

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

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

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

1           (2) A public officer or a public employee or an  
2 official or employee of the federal government.

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

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

10          (3) A peace officer.

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

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

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

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

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

23          (8) A fire fighter.

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

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



1           (11) An emergency management worker of any  
2 jurisdiction in this State.

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

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

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

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

20           (c) Fraudulent advertisement of a corporate name.

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

26           (2) Nothing contained in this subsection (c) prohibits

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

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

24 (d) False law enforcement badges.

25 (1) A person commits false law enforcement badges if  
26 he or she knowingly produces, sells, or distributes a law

1 enforcement badge without the express written consent of  
2 the law enforcement agency represented on the badge or, in  
3 case of a reorganized or defunct law enforcement agency,  
4 its successor law enforcement agency.

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

11 (e) False medals.

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

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

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

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

3 (f) Sentence.

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

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

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

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

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

26 (6) A violation of paragraph (b)(5) or (b)(10) is a

1 Class 2 felony.

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

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

9 (Source: P.A. 99-143, eff. 7-27-15; 99-561, eff. 7-15-16;  
10 100-201, eff. 8-18-17.)

11 (720 ILCS 5/26.5-3)

12 Sec. 26.5-3. Harassment through electronic communications.

13 (a) A person commits harassment through electronic  
14 communications when he or she uses electronic communication  
15 for any of the following purposes:

16 (1) ~~making~~ Making any comment, request, suggestion, or  
17 proposal with an intent to harass, annoy, alarm, abuse,  
18 torment, or embarrass any individual;

19 (1.1) creating a fictitious online persona or account  
20 without permission of another using another person's  
21 picture, name, or likeness with the intent to commit a  
22 fraud, cause emotional distress, injure the reputation of,  
23 or make contact with other personal online contacts of the  
24 nonconsenting person; ~~which is obscene with an intent to~~  
25 offend;

1           (2) interrupting ~~Interrupting~~, with the intent to  
2 harass, the telephone service or the electronic  
3 communication service of any person;

4           (3) transmitting ~~Transmitting~~ to any person, with the  
5 intent to harass and regardless of whether the  
6 communication is read in its entirety or at all, any file,  
7 document, or other communication which prevents that  
8 person from using his or her telephone service or  
9 electronic communications device;

10          (4) transmitting ~~Transmitting~~ an electronic  
11 communication or knowingly inducing a person to transmit  
12 an electronic communication for the purpose of harassing  
13 another person who is under 13 years of age, regardless of  
14 whether the person under 13 years of age consents to the  
15 harassment, if the defendant is at least 16 years of age at  
16 the time of the commission of the offense;

17          (5) threatening ~~Threatening~~ injury to the person or to  
18 the property of the person to whom an electronic  
19 communication is directed or to any of his or her family or  
20 household members; or

21          (6) knowingly ~~Knowingly~~ permitting any electronic  
22 communications device to be used for any of the purposes  
23 mentioned in this subsection (a).

24          (b) Telecommunications carriers, commercial mobile service  
25 providers, and providers of information services, including,  
26 but not limited to, Internet service providers and hosting

1 service providers, are not liable under this Section, except  
2 for willful and wanton misconduct, by virtue of the  
3 transmission, storage, or caching of electronic communications  
4 or messages of others or by virtue of the provision of other  
5 related telecommunications, commercial mobile services, or  
6 information services used by others in violation of this  
7 Section.

8 (Source: P.A. 97-1108, eff. 1-1-13.)