



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1112

Introduced 1/12/2023, 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 nonconsenting person.

LRB103 05326 RLC 50344 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 Pawners Societies Act) shall knowingly use a name that
17 contains in it the words "Pawners' 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.)