

SB2847



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2847

Introduced 1/19/2024, by Sen. Meg Loughran Cappel

SYNOPSIS AS INTRODUCED:

720 ILCS 5/17-0.5

720 ILCS 5/17-2

from Ch. 38, par. 17-2

Amends the Criminal Code of 2012. Provides that certain forms of false personation may be accomplished by artificial intelligence. Defines "artificial intelligence".

LRB103 37483 RLC 67606 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
5 changing Sections 17-0.5 and 17-2 as follows:

6 (720 ILCS 5/17-0.5)

7 Sec. 17-0.5. Definitions. In this Article:

8 "Altered credit card or debit card" means any instrument
9 or device, whether known as a credit card or debit card, which
10 has been changed in any respect by addition or deletion of any
11 material, except for the signature by the person to whom the
12 card is issued.

13 "Artificial intelligence" means a machine-based system
14 that can, for a given set of human-defined objectives, make
15 predictions, recommendations, or decisions influencing real or
16 virtual environments, and that uses machine and human-based
17 inputs to do all of the following:

18 (1) perceive real and virtual environments;

19 (2) abstract such perceptions into models through
20 analysis in an automated manner; and

21 (3) use model inference to formulate options for
22 information or action.

23 "Cardholder" means the person or organization named on the

1 face of a credit card or debit card to whom or for whose
2 benefit the credit card or debit card is issued by an issuer.

3 "Computer" means a device that accepts, processes, stores,
4 retrieves, or outputs data and includes, but is not limited
5 to, auxiliary storage, including cloud-based networks of
6 remote services hosted on the Internet, and telecommunications
7 devices connected to computers.

8 "Computer network" means a set of related, remotely
9 connected devices and any communications facilities including
10 more than one computer with the capability to transmit data
11 between them through the communications facilities.

12 "Computer program" or "program" means a series of coded
13 instructions or statements in a form acceptable to a computer
14 which causes the computer to process data and supply the
15 results of the data processing.

16 "Computer services" means computer time or services,
17 including data processing services, Internet services,
18 electronic mail services, electronic message services, or
19 information or data stored in connection therewith.

20 "Counterfeit" means to manufacture, produce or create, by
21 any means, a credit card or debit card without the purported
22 issuer's consent or authorization.

23 "Credit card" means any instrument or device, whether
24 known as a credit card, credit plate, charge plate or any other
25 name, issued with or without fee by an issuer for the use of
26 the cardholder in obtaining money, goods, services or anything

1 else of value on credit or in consideration or an undertaking
2 or guaranty by the issuer of the payment of a check drawn by
3 the cardholder.

4 "Data" means a representation in any form of information,
5 knowledge, facts, concepts, or instructions, including program
6 documentation, which is prepared or has been prepared in a
7 formalized manner and is stored or processed in or transmitted
8 by a computer or in a system or network. Data is considered
9 property and may be in any form, including, but not limited to,
10 printouts, magnetic or optical storage media, punch cards, or
11 data stored internally in the memory of the computer.

12 "Debit card" means any instrument or device, known by any
13 name, issued with or without fee by an issuer for the use of
14 the cardholder in obtaining money, goods, services, and
15 anything else of value, payment of which is made against funds
16 previously deposited by the cardholder. A debit card which
17 also can be used to obtain money, goods, services and anything
18 else of value on credit shall not be considered a debit card
19 when it is being used to obtain money, goods, services or
20 anything else of value on credit.

21 "Document" includes, but is not limited to, any document,
22 representation, or image produced manually, electronically, or
23 by computer.

24 "Electronic fund transfer terminal" means any machine or
25 device that, when properly activated, will perform any of the
26 following services:

1 (1) Dispense money as a debit to the cardholder's
2 account; or

3 (2) Print the cardholder's account balances on a
4 statement; or

5 (3) Transfer funds between a cardholder's accounts; or

6 (4) Accept payments on a cardholder's loan; or

7 (5) Dispense cash advances on an open end credit or a
8 revolving charge agreement; or

9 (6) Accept deposits to a customer's account; or

10 (7) Receive inquiries of verification of checks and
11 dispense information that verifies that funds are
12 available to cover such checks; or

13 (8) Cause money to be transferred electronically from
14 a cardholder's account to an account held by any business,
15 firm, retail merchant, corporation, or any other
16 organization.

17 "Electronic funds transfer system", hereafter referred to
18 as "EFT System", means that system whereby funds are
19 transferred electronically from a cardholder's account to any
20 other account.

21 "Electronic mail service provider" means any person who
22 (i) is an intermediary in sending or receiving electronic mail
23 and (ii) provides to end-users of electronic mail services the
24 ability to send or receive electronic mail.

25 "Expired credit card or debit card" means a credit card or
26 debit card which is no longer valid because the term on it has

1 elapsed.

2 "False academic degree" means a certificate, diploma,
3 transcript, or other document purporting to be issued by an
4 institution of higher learning or purporting to indicate that
5 a person has completed an organized academic program of study
6 at an institution of higher learning when the person has not
7 completed the organized academic program of study indicated on
8 the certificate, diploma, transcript, or other document.

9 "False claim" means any statement made to any insurer,
10 purported insurer, servicing corporation, insurance broker, or
11 insurance agent, or any agent or employee of one of those
12 entities, and made as part of, or in support of, a claim for
13 payment or other benefit under a policy of insurance, or as
14 part of, or in support of, an application for the issuance of,
15 or the rating of, any insurance policy, when the statement
16 does any of the following:

17 (1) Contains any false, incomplete, or misleading
18 information concerning any fact or thing material to the
19 claim.

20 (2) Conceals (i) the occurrence of an event that is
21 material to any person's initial or continued right or
22 entitlement to any insurance benefit or payment or (ii)
23 the amount of any benefit or payment to which the person is
24 entitled.

25 "Financial institution" means any bank, savings and loan
26 association, credit union, or other depository of money or

1 medium of savings and collective investment.

2 "Governmental entity" means: each officer, board,
3 commission, and agency created by the Constitution, whether in
4 the executive, legislative, or judicial branch of State
5 government; each officer, department, board, commission,
6 agency, institution, authority, university, and body politic
7 and corporate of the State; each administrative unit or
8 corporate outgrowth of State government that is created by or
9 pursuant to statute, including units of local government and
10 their officers, school districts, and boards of election
11 commissioners; and each administrative unit or corporate
12 outgrowth of the foregoing items and as may be created by
13 executive order of the Governor.

14 "Incomplete credit card or debit card" means a credit card
15 or debit card which is missing part of the matter other than
16 the signature of the cardholder which an issuer requires to
17 appear on the credit card or debit card before it can be used
18 by a cardholder, and this includes credit cards or debit cards
19 which have not been stamped, embossed, imprinted or written
20 on.

21 "Institution of higher learning" means a public or private
22 college, university, or community college located in the State
23 of Illinois that is authorized by the Board of Higher
24 Education or the Illinois Community College Board to issue
25 post-secondary degrees, or a public or private college,
26 university, or community college located anywhere in the

1 United States that is or has been legally constituted to offer
2 degrees and instruction in its state of origin or
3 incorporation.

4 "Insurance company" means "company" as defined under
5 Section 2 of the Illinois Insurance Code.

6 "Issuer" means the business organization or financial
7 institution which issues a credit card or debit card, or its
8 duly authorized agent.

9 "Merchant" has the meaning ascribed to it in Section
10 16-0.1 of this Code.

11 "Person" means any individual, corporation, government,
12 governmental subdivision or agency, business trust, estate,
13 trust, partnership or association or any other entity.

14 "Receives" or "receiving" means acquiring possession or
15 control.

16 "Record of charge form" means any document submitted or
17 intended to be submitted to an issuer as evidence of a credit
18 transaction for which the issuer has agreed to reimburse
19 persons providing money, goods, property, services or other
20 things of value.

21 "Revoked credit card or debit card" means a credit card or
22 debit card which is no longer valid because permission to use
23 it has been suspended or terminated by the issuer.

24 "Sale" means any delivery for value.

25 "Scheme or artifice to defraud" includes a scheme or
26 artifice to deprive another of the intangible right to honest

1 services.

2 "Self-insured entity" means any person, business,
3 partnership, corporation, or organization that sets aside
4 funds to meet his, her, or its losses or to absorb fluctuations
5 in the amount of loss, the losses being charged against the
6 funds set aside or accumulated.

7 "Social networking website" means an Internet website
8 containing profile web pages of the members of the website
9 that include the names or nicknames of such members,
10 photographs placed on the profile web pages by such members,
11 or any other personal or personally identifying information
12 about such members and links to other profile web pages on
13 social networking websites of friends or associates of such
14 members that can be accessed by other members or visitors to
15 the website. A social networking website provides members of
16 or visitors to such website the ability to leave messages or
17 comments on the profile web page that are visible to all or
18 some visitors to the profile web page and may also include a
19 form of electronic mail for members of the social networking
20 website.

21 "Statement" means any assertion, oral, written, or
22 otherwise, and includes, but is not limited to: any notice,
23 letter, or memorandum; proof of loss; bill of lading; receipt
24 for payment; invoice, account, or other financial statement;
25 estimate of property damage; bill for services; diagnosis or
26 prognosis; prescription; hospital, medical, or dental chart or

1 other record, x-ray, photograph, videotape, or movie film;
2 test result; other evidence of loss, injury, or expense;
3 computer-generated document; and data in any form.

4 "Universal Price Code Label" means a unique symbol that
5 consists of a machine-readable code and human-readable
6 numbers.

7 "With intent to defraud" means to act knowingly, and with
8 the specific intent to deceive or cheat, for the purpose of
9 causing financial loss to another or bringing some financial
10 gain to oneself, regardless of whether any person was actually
11 defrauded or deceived. This includes an intent to cause
12 another to assume, create, transfer, alter, or terminate any
13 right, obligation, or power with reference to any person or
14 property.

15 (Source: P.A. 101-87, eff. 1-1-20.)

16 (720 ILCS 5/17-2) (from Ch. 38, par. 17-2)

17 Sec. 17-2. False personation; solicitation.

18 (a) False personation; solicitation.

19 (1) A person commits a false personation when he or
20 she knowingly and falsely represents himself or herself to
21 be a member or representative of any veterans' or public
22 safety personnel organization or a representative of any
23 charitable organization, or when he or she knowingly
24 exhibits or uses in any manner any decal, badge or
25 insignia of any charitable, public safety personnel, or

1 veterans' organization when not authorized to do so by the
2 charitable, public safety personnel, or veterans'
3 organization. "Public safety personnel organization" has
4 the meaning ascribed to that term in Section 1 of the
5 Solicitation for Charity Act.

6 (2) A person commits a false personation when he or
7 she knowingly and falsely represents himself or herself to
8 be a veteran in seeking employment or public office. In
9 this paragraph, "veteran" means a person who has served in
10 the Armed Services or Reserve Forces of the United States.

11 (2.1) A person commits a false personation when he or
12 she knowingly and falsely represents himself or herself to
13 be:

14 (A) an active-duty member of the Armed Services or
15 Reserve Forces of the United States or the National
16 Guard or a veteran of the Armed Services or Reserve
17 Forces of the United States or the National Guard; and

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

20 In this paragraph, "member of the Armed Services or
21 Reserve Forces of the United States" means a member of the
22 United States Navy, Army, Air Force, Marine Corps, or
23 Coast Guard; and "veteran" means a person who has served
24 in the Armed Services or Reserve Forces of the United
25 States or the National Guard.

26 (2.5) A person commits a false personation when he or

1 she knowingly and falsely represents himself or herself to
2 be:

3 (A) another actual person and does an act in such
4 assumed character with intent to intimidate, threaten,
5 injure, defraud, or to obtain a benefit from another;
6 or

7 (B) a representative of an actual person or
8 organization and does an act in such false capacity
9 with intent to obtain a benefit or to injure or defraud
10 another.

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

24 (4) No person may knowingly claim or represent that he
25 or she is acting on behalf of any public safety personnel
26 organization when soliciting financial contributions or

1 selling or delivering or offering to sell or deliver any
2 merchandise, goods, services, memberships, or
3 advertisements unless the chief of the police department,
4 fire department, and the corporate or municipal authority
5 thereof, or the sheriff has first entered into a written
6 agreement with the person or with an organization with
7 which the person is affiliated and the agreement permits
8 the activity and specifies and states clearly and fully
9 the purpose for which the proceeds of the solicitation,
10 contribution, or sale will be used.

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

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

24 (B) the nongovernmental organization is controlled
25 by and governed by a membership of and represents a
26 group or association of active duty peace officers,

1 retired peace officers, or injured peace officers; and

2 (C) before commencing the solicitation or the sale
3 or the offers to sell any merchandise, goods,
4 services, memberships, or advertisements, a written
5 contract between the soliciting or selling person and
6 the nongovernmental organization, which specifies and
7 states clearly and fully the purposes for which the
8 proceeds of the solicitation, contribution, or sale
9 will be used, has been entered into.

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

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

22 (B) the nongovernmental organization is controlled
23 by and governed by a membership of and represents a
24 group or association of active duty, retired, or
25 injured fire fighters (for the purposes of this
26 Section, "fire fighter" has the meaning ascribed to

1 that term in Section 2 of the Illinois Fire Protection
2 Training Act) or active duty, retired, or injured
3 emergency medical technicians - ambulance, emergency
4 medical technicians - intermediate, emergency medical
5 technicians - paramedic, ambulance drivers, or other
6 medical assistance or first aid personnel; and

7 (C) before commencing the solicitation or the sale
8 or delivery or the offers to sell or deliver any
9 merchandise, goods, services, memberships, or
10 advertisements, the soliciting or selling person and
11 the nongovernmental organization have entered into a
12 written contract that specifies and states clearly and
13 fully the purposes for which the proceeds of the
14 solicitation, contribution, or sale will be used.

15 (7) No person may knowingly claim or represent that he
16 or she is an airman, airline employee, airport employee,
17 or contractor at an airport in order to obtain the
18 uniform, identification card, license, or other
19 identification paraphernalia of an airman, airline
20 employee, airport employee, or contractor at an airport.

21 (8) No person, firm, copartnership, or corporation
22 (except corporations organized and doing business under
23 the Pawners Societies Act) shall knowingly use a name that
24 contains in it the words "Pawners' Society".

25 (b) False personation; public officials and employees. A
26 person commits a false personation if he or she knowingly and

1 falsely represents himself or herself to be any of the
2 following:

3 (1) An attorney authorized to practice law for
4 purposes of compensation or consideration. This paragraph
5 (b)(1) does not apply to a person who unintentionally
6 fails to pay attorney registration fees established by
7 Supreme Court Rule.

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

10 (2.3) A public officer, a public employee, or an
11 official or employee of the federal government, and the
12 false representation is made in furtherance of the
13 commission of felony.

14 (2.7) A public officer or a public employee, and the
15 false representation is for the purpose of effectuating
16 identity theft as defined in Section 16-30 of this Code.

17 (3) A peace officer.

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

19 (5) A peace officer in attempting or committing a
20 felony.

21 (6) A peace officer in attempting or committing a
22 forcible felony.

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

26 (7.5) The legal guardian, including any representative

1 of a State or public guardian, of a person with a
2 disability appointed under Article XIa of the Probate Act
3 of 1975.

4 (8) A fire fighter.

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

6 (10) A fire fighter in attempting or committing a
7 felony.

8 (11) An emergency management worker of any
9 jurisdiction in this State.

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

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

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

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

1 (c) Fraudulent advertisement of a corporate name.

2 (1) A company, association, or individual commits
3 fraudulent advertisement of a corporate name if he, she,
4 or it, not being incorporated, puts forth a sign or
5 advertisement and assumes, for the purpose of soliciting
6 business, a corporate name.

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

1 (3) The provisions of this subsection (c) do not apply
2 to limited partnerships formed under the Revised Uniform
3 Limited Partnership Act or under the Uniform Limited
4 Partnership Act (2001).

5 (d) False law enforcement badges.

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

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

18 (e) False medals.

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

1 Heart.

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

5 (A) for a dramatic presentation, such as a
6 theatrical, film, or television production, or a
7 historical re-enactment; or

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

10 (f) Sentence.

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

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

24 (3) A violation of paragraph (a)(2), (a)(2.5), (a)(7),
25 (b)(2), or (b)(7) or subsection (d) is a Class A
26 misdemeanor. A second or subsequent violation of

1 subsection (d) is a Class 3 felony.

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

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

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

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

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

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