



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/06/04, by Michael J. Madigan

SYNOPSIS AS INTRODUCED:

720 ILCS 5/17-5

from Ch. 38, par. 17-5

Amends the Criminal Code of 1961. Makes technical changes in the deceptive collection practices statute.

LRB093 17144 RLC 42810 b

1 AN ACT in relation to 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 1961 is amended by changing
5 Section 17-5 as follows:

6 (720 ILCS 5/17-5) (from Ch. 38, par. 17-5)

7 Sec. 17-5. Deceptive collection practices.

8 A collection agency as defined in the "Collection Agency
9 Act" or any employee of the ~~such~~ collection agency commits a
10 deceptive collection practice when, with the intent to collect
11 a debt owed to a person, corporation, or other entity, he:

12 (a) represents falsely that he is an attorney, a policeman,
13 a sheriff or deputy sheriff, a bailiff, a county clerk or
14 employee of a county clerk's office, or any other person who by
15 statute is authorized to enforce the law or any order of a
16 court; or

17 (b) while attempting to collect an alleged debt,
18 misrepresents to the alleged debtor or to his immediate family
19 the corporate, partnership or proprietary name or other trade
20 or business name under which the debt collector is engaging in
21 debt collections and which he is legally authorized to use; or

22 (c) while attempting to collect an alleged debt, adds to
23 the debt any service charge, interest or penalty which he is
24 not entitled by law to add; or

25 (d) threatens to ruin, destroy, or otherwise adversely
26 affect an alleged debtor's credit rating unless, at the same
27 time, a disclosure is made in accordance with federal law that
28 the alleged debtor has a right to inspect his credit rating; or

29 (e) accepts from an alleged debtor a payment which he knows
30 is not owed.

31 The commission of a deceptive collection practice is a
32 Business Offense punishable by a fine not to exceed \$3,000.

1 (Source: P.A. 78-1248.)