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09400HB0381ham001

LRB094 06805 RLC 39560 a

1 AMENDMENT TO HOUSE BILL 381

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 381 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by adding  
5 Section 17-29 as follows:

6 (720 ILCS 5/17-29 new)

7 Sec. 17-29. Businesses owned by minorities, females, and  
8 persons with disabilities; fraudulent contracts with  
9 governmental units.

10 (a) In this Section:

11 "Minority person" means a person who is: (1) African  
12 American (a person having origins in any of the black  
13 racial groups in Africa); (2) Hispanic (a person of Spanish  
14 or Portuguese culture with origins in Mexico, South or  
15 Central America, or the Caribbean Islands, regardless of  
16 race); (3) Asian American (a person having origins in any  
17 of the original peoples of the Far East, Southeast Asia,  
18 the Indian Subcontinent or the Pacific Islands); or (4)  
19 Native American or Alaskan Native (a person having origins  
20 in any of the original peoples of North America).

21 "Female" means a person who is of the female gender.

22 "Person with a disability" means a person who is a  
23 person qualifying as being disabled.

24 "Disabled" means a severe physical or mental

1 disability that: (1) results from: amputation, arthritis,  
2 autism, blindness, burn injury, cancer, cerebral palsy,  
3 cystic fibrosis, deafness, head injury, heart disease,  
4 hemiplegia, hemophilia, respiratory or pulmonary  
5 dysfunction, mental retardation, mental illness, multiple  
6 sclerosis, muscular dystrophy, musculoskeletal disorders,  
7 neurological disorders, including stroke and epilepsy,  
8 paraplegia, quadriplegia and other spinal cord conditions,  
9 sickle cell anemia, specific learning disabilities, or end  
10 stage renal failure disease; and (2) substantially limits  
11 one or more of the person's major life activities.

12 "Minority owned business" means a business concern  
13 that is at least 51% owned by one or more minority persons,  
14 or in the case of a corporation, at least 51% of the stock  
15 in which is owned by one or more minority persons; and the  
16 management and daily business operations of which are  
17 controlled by one or more of the minority individuals who  
18 own it.

19 "Female owned business" means a business concern that  
20 is at least 51% owned by one or more females, or, in the  
21 case of a corporation, at least 51% of the stock in which  
22 is owned by one or more females; and the management and  
23 daily business operations of which are controlled by one or  
24 more of the females who own it.

25 "Business owned by a person with a disability" means a  
26 business concern that is at least 51% owned by one or more  
27 persons with a disability and the management and daily  
28 business operations of which are controlled by one or more  
29 of the persons with disabilities who own it. A  
30 not-for-profit agency for persons with disabilities that  
31 is exempt from taxation under Section 501 of the Internal  
32 Revenue Code of 1986 is also considered a "business owned  
33 by a person with a disability".

34 "Governmental unit" means the State, a unit of local

1 government, or school district.

2 (b) In addition to any other penalties imposed by law or by  
3 an ordinance or resolution of a unit of local government or  
4 school district, any individual or entity that knowingly  
5 obtains, or knowingly assists another to obtain, a contract  
6 with a governmental unit by falsely representing that the  
7 individual or entity, or the individual or entity assisted, is  
8 a minority owned business, female owned business, or business  
9 owned by a person with a disability is guilty of a Class 2  
10 felony, regardless of whether the preference for awarding the  
11 contract to a minority owned business, female owned business,  
12 or business owned by a person with a disability was established  
13 by statute or by local ordinance or resolution.

14 (c) In addition to any other penalties authorized by law,  
15 the court shall order that an individual or entity convicted of  
16 a violation of this Section must pay to the governmental unit  
17 that awarded the contract a penalty equal to one and one-half  
18 times the amount of the contract obtained because of the false  
19 representation."