



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5803

Introduced 07/19/06, by Rep. Ruth Munson

SYNOPSIS AS INTRODUCED:

15 ILCS 335/14B

from Ch. 124, par. 34B

625 ILCS 5/6-301.2

from Ch. 95 1/2, par. 6-301.2

Amends the Illinois Vehicle Code and the Illinois Identification Card Act. Provides that any person convicted of knowingly duplicating, manufacturing, selling, or transferring any fraudulent driver's license or permit is guilty of a Class 3 felony. Provides that a person is guilty of a Class 2 felony if he or she, in furtherance of gang activity, knowingly duplicates, manufactures, sells, or transfers any fraudulent driver's license or permit or any fraudulent identification card.

LRB094 21049 DRH 59376 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning identification.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Identification Card Act is amended
5 by changing Section 14B as follows:

6 (15 ILCS 335/14B) (from Ch. 124, par. 34B)

7 Sec. 14B. Fraudulent identification card.

8 (a) (Blank).

9 (b) It is a violation of this Section for any person:

10 1. To knowingly possess, display, or cause to be
11 displayed any fraudulent identification card;

12 2. To knowingly possess, display or cause to be
13 displayed any fraudulent identification card for the
14 purpose of obtaining any account, credit, credit card or
15 debit card from a bank, financial institution or retail
16 mercantile establishment;

17 3. To knowingly possess any fraudulent identification
18 card with the intent to commit a theft, deception or credit
19 or debit card fraud in violation of any law of this State
20 or any law of any other jurisdiction;

21 4. To knowingly possess any fraudulent identification
22 card with the intent to commit any other violation of any
23 law of this State or any law of any other jurisdiction for
24 which a sentence to a term of imprisonment in a
25 penitentiary for one year or more is provided;

26 5. To knowingly possess any fraudulent identification
27 card while in unauthorized possession of any document,
28 instrument or device capable of defrauding another;

29 6. To knowingly possess any fraudulent identification
30 card with the intent to use the identification card to
31 acquire any other identification document;

32 7. To knowingly possess without authority any

1 identification card making implement;

2 8. To knowingly possess any stolen identification card
3 making implement;

4 9. To knowingly duplicate, manufacture, sell or
5 transfer any fraudulent identification card;

6 10. To advertise or distribute any information or
7 materials that promote the selling, giving, or furnishing
8 of a fraudulent identification card.

9 (c) Sentence.

10 1. Any person convicted of a violation of paragraph 1
11 of subsection (b) of this Section shall be guilty of a
12 Class 4 felony and shall be sentenced to a minimum fine of
13 \$500 or 50 hours of community service, preferably at an
14 alcohol abuse prevention program, if available.

15 2. Except as provided in paragraph 2.5 of this
16 subsection (c), any ~~Any~~ person convicted of a violation of
17 any of paragraphs 2 through 9 of subsection (b) of this
18 Section shall be guilty of a Class 3 felony. A person
19 convicted of a second or subsequent violation shall be
20 guilty of a Class 2 felony.

21 2.5. Any person convicted of violating paragraph 9 of
22 subsection (b) of this Section in furtherance of gang
23 activity is guilty of a Class 2 felony.

24 3. Any person who violates paragraph 10 of subsection
25 (b) of this Section is guilty of a Class A misdemeanor.

26 (d) This Section does not prohibit any lawfully authorized
27 investigative, protective, law enforcement or other activity
28 of any agency of the United States, State of Illinois or any
29 other state or political subdivision thereof.

30 (e) The Secretary of State may request the Attorney General
31 to seek a restraining order in the circuit court against any
32 person who violates paragraph 10 of subsection (b) of this
33 Section by advertising fraudulent identification cards.

34 (Source: P.A. 93-895, eff. 1-1-05; 94-701, eff. 6-1-06.)

35 Section 10. The Illinois Vehicle Code is amended by

1 changing Section 6-301.2 as follows:

2 (625 ILCS 5/6-301.2) (from Ch. 95 1/2, par. 6-301.2)

3 Sec. 6-301.2. Fraudulent driver's license or permit.

4 (a) (Blank).

5 (b) It is a violation of this Section for any person:

6 1. To knowingly possess any fraudulent driver's
7 license or permit;

8 2. To knowingly possess, display or cause to be
9 displayed any fraudulent driver's license or permit for the
10 purpose of obtaining any account, credit, credit card or
11 debit card from a bank, financial institution or retail
12 mercantile establishment;

13 3. To knowingly possess any fraudulent driver's
14 license or permit with the intent to commit a theft,
15 deception or credit or debit card fraud in violation of any
16 law of this State or any law of any other jurisdiction;

17 4. To knowingly possess any fraudulent driver's
18 license or permit with the intent to commit any other
19 violation of any laws of this State or any law of any other
20 jurisdiction for which a sentence to a term of imprisonment
21 in a penitentiary for one year or more is provided;

22 5. To knowingly possess any fraudulent driver's
23 license or permit while in unauthorized possession of any
24 document, instrument or device capable of defrauding
25 another;

26 6. To knowingly possess any fraudulent driver's
27 license or permit with the intent to use the license or
28 permit to acquire any other identification document;

29 7. To knowingly possess without authority any driver's
30 license-making or permit-making implement;

31 8. To knowingly possess any stolen driver's
32 license-making or permit-making implement or to possess,
33 use, or allow to be used any materials, hardware, or
34 software specifically designed for or primarily used in the
35 manufacture, assembly, issuance, or authentication of an

1 official driver's license or permit issued by the Secretary
2 of State;

3 9. To knowingly duplicate, manufacture, sell or
4 transfer any fraudulent driver's license or permit;

5 10. To advertise or distribute any information or
6 materials that promote the selling, giving, or furnishing
7 of a fraudulent driver's license or permit;

8 11. To knowingly use any fraudulent driver's license or
9 permit to purchase or attempt to purchase any ticket for a
10 common carrier or to board or attempt to board any common
11 carrier. As used in this Section, "common carrier" means
12 any public or private provider of transportation, whether
13 by land, air, or water;

14 12. To knowingly possess any fraudulent driver's
15 license or permit if the person has at the time a different
16 driver's license issued by the Secretary of State or
17 another official driver's license agency in another
18 jurisdiction that is suspended or revoked.

19 (b-1) It is a violation of this Section for any person to
20 possess, use, or allow to be used any materials, hardware, or
21 software specifically designed for or primarily used in the
22 reading of encrypted language from the bar code or magnetic
23 strip of an official Illinois driver's license issued by the
24 Secretary of State. This subsection (b-1) does not apply if a
25 federal or State law, rule, or regulation requires that the
26 card holder's address be recorded in specified transactions or
27 if the encrypted information is obtained for the detection or
28 possible prosecution of criminal offenses or fraud. If the
29 address information is obtained under this subsection (b-1), it
30 may be used only for the purposes authorized by this subsection
31 (b-1).

32 (c) Sentence.

33 1. Any person convicted of a violation of paragraph 1
34 of subsection (b) of this Section shall be guilty of a
35 Class 4 felony and shall be sentenced to a minimum fine of
36 \$500 or 50 hours of community service, preferably at an

1 alcohol abuse prevention program, if available.

2 2. Any person convicted of a violation of any of
3 paragraphs 2 through 8 ~~9~~ or paragraph 11 or 12 of
4 subsection (b) of this Section or a violation of subsection
5 (b-1) of this Section shall be guilty of a Class 4 felony.
6 A person convicted of a second or subsequent violation
7 shall be guilty of a Class 3 felony.

8 2.5. Any person convicted of a violation of paragraph 9
9 of subsection (b) of this Section is guilty of a Class 3
10 felony. Any person convicted of violating paragraph 9 of
11 subsection (b) of this Section in furtherance of gang
12 activity is guilty of a Class 2 felony.

13 3. Any person convicted of a violation of paragraph 10
14 of subsection (b) of this Section shall be guilty of a
15 Class B misdemeanor.

16 (d) This Section does not prohibit any lawfully authorized
17 investigative, protective, law enforcement or other activity
18 of any agency of the United States, State of Illinois or any
19 other state or political subdivision thereof.

20 (e) The Secretary may request the Attorney General to seek
21 a restraining order in the circuit court against any person who
22 violates this Section by advertising fraudulent driver's
23 licenses or permits.

24 (Source: P.A. 93-667, eff. 3-19-04; 93-895, eff. 1-1-05;
25 94-239, eff. 1-1-06; 94-930, eff. 6-26-06.)