

HB5465



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5465

Introduced 2/5/2010, by Rep. Elizabeth Coulson

SYNOPSIS AS INTRODUCED:

720 ILCS 5/17-24

Amends the Criminal Code of 1961. Expands the fraud statute to include fraudulent schemes and artifices that do not include wire or mail transmission.

LRB096 17417 RLC 32770 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 1961 is amended by changing
5 Section 17-24 as follows:

6 (720 ILCS 5/17-24)

7 Sec. 17-24. Fraudulent schemes and artifices.

8 (a) Fraud ~~by wire, radio, or television.~~

9 (1) A person commits ~~wire~~ fraud when he or she: ~~(A)~~
10 devises or intends to devise a scheme or artifice:

11 (A) to defraud or to obtain money or property by
12 means of false pretenses, representations, or
13 promises, or

14 (B) to sell, dispose of, loan, exchange, alter,
15 give away, distribute, supply, or furnish or procure
16 for unlawful use any counterfeit obligation, security,
17 or other article, or anything represented to be or
18 intimated or held out to be such counterfeit or
19 spurious article.; ~~and~~

20 ~~(B) (i) transmits or causes to be transmitted from~~
21 ~~within this State; or~~

22 ~~(ii) transmits or causes to be transmitted so~~
23 ~~that it is received by a person within this State;~~

1 ~~or~~
2 ~~(iii) transmits or causes to be transmitted so~~
3 ~~that it is reasonably foreseeable that it will be~~
4 ~~accessed by a person within this State:~~

5 ~~any writings, signals, pictures, sounds, or electronic or~~
6 ~~electric impulses by means of wire, radio, or television~~
7 ~~communications for the purpose of executing the scheme or~~
8 ~~artifice.~~

9 (2) (Blank). ~~A scheme or artifice to defraud using~~
10 ~~electronic transmissions is deemed to occur in the county~~
11 ~~from which a transmission is sent, if the transmission is~~
12 ~~sent from within this State, the county in which a person~~
13 ~~within this State receives the transmission, and the county~~
14 ~~in which a person who is within this State is located when~~
15 ~~the person accesses a transmission.~~

16 (3) Fraud ~~Wire fraud~~ is a Class 3 felony.

17 (b) (Blank). ~~Mail fraud.~~

18 ~~(1) A person commits mail fraud when he or she:~~

19 ~~(A) devises or intends to devise any scheme or~~
20 ~~artifice to defraud or to obtain money or property by~~
21 ~~means of false or fraudulent pretenses,~~
22 ~~representations or promises, or to sell, dispose of,~~
23 ~~loan, exchange, alter, give away, distribute, supply,~~
24 ~~or furnish or procure for unlawful use any counterfeit~~
25 ~~obligation, security, or other article, or anything~~
26 ~~represented to be or intimidated or held out to be such~~

1 ~~counterfeit or spurious article; and~~

2 ~~(B) for the purpose of executing such scheme or~~
3 ~~artifice or attempting so to do, places in any post~~
4 ~~office or authorized depository for mail matter within~~
5 ~~this State, any matter or thing whatever to be~~
6 ~~delivered by the Postal Service, or deposits or causes~~
7 ~~to be deposited in this State by mail or by private or~~
8 ~~commercial carrier according to the direction on the~~
9 ~~matter or thing, or at the place at which it is~~
10 ~~directed to be delivered by the person to whom it is~~
11 ~~addressed, any such matter or thing.~~

12 ~~(2) A scheme or artifice to defraud using a government~~
13 ~~or private carrier is deemed to occur in the county in~~
14 ~~which mail or other matter is deposited with the Postal~~
15 ~~Service or a private commercial carrier for delivery, if~~
16 ~~deposited with the Postal Service or a private or~~
17 ~~commercial carrier within this State and the county in~~
18 ~~which a person within this State receives the mail or other~~
19 ~~matter from the Postal Service or a private or commercial~~
20 ~~carrier.~~

21 ~~(3) Mail fraud is a Class 3 felony.~~

22 (c) (Blank).

23 (d) The period of limitations for prosecution of any
24 offense defined in this Section begins at the time when the
25 last act in furtherance of the scheme or artifice is committed.

26 (e) In this Section:

1 (1) "Scheme or artifice to defraud" includes a scheme
2 or artifice to deprive another of the intangible right to
3 honest services.

4 (2) (Blank).

5 (Source: P.A. 92-16, eff. 6-28-01; 93-440, eff. 8-5-03; revised
6 11-4-09.)