

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 17-1 as follows:

6 (720 ILCS 5/17-1) (from Ch. 38, par. 17-1)

7 Sec. 17-1. Deceptive practices.

8 (A) Definitions.

9 As used in this Section:

10 (i) "Financial institution" means any bank, savings
11 and loan association, credit union, or other depository of
12 money, or medium of savings and collective investment.

13 (ii) An "account holder" is any person having a
14 checking account or savings account in a financial
15 institution.

16 (iii) To act with the "intent to defraud" means to act
17 wilfully, and with the specific intent to deceive or cheat,
18 for the purpose of causing financial loss to another, or to
19 bring some financial gain to oneself. It is not necessary
20 to establish that any person was actually defrauded or
21 deceived.

22 (B) General Deception.

1 A person commits a deceptive practice when, with intent to
2 defraud, the person does any of the following:

3 (a) He or she causes another, by deception or threat,
4 to execute a document disposing of property or a document
5 by which a pecuniary obligation is incurred.

6 (b) Being an officer, manager or other person
7 participating in the direction of a financial institution,
8 he or she knowingly receives or permits the receipt of a
9 deposit or other investment, knowing that the institution
10 is insolvent.

11 (c) He or she knowingly makes or directs another to
12 make a false or deceptive statement addressed to the public
13 for the purpose of promoting the sale of property or
14 services.

15 (d) With intent to obtain control over property or to
16 pay for property, labor or services of another, or in
17 satisfaction of an obligation for payment of tax under the
18 Retailers' Occupation Tax Act or any other tax due to the
19 State of Illinois, he or she issues or delivers a check or
20 other order upon a real or fictitious depository for the
21 payment of money, knowing that it will not be paid by the
22 depository. Failure to have sufficient funds or credit with
23 the depository when the check or other order is issued or
24 delivered, or when such check or other order is presented
25 for payment and dishonored on each of 2 occasions at least
26 7 days apart, is prima facie evidence that the offender

1 knows that it will not be paid by the depository, and that
2 he or she has the intent to defraud. In this paragraph (d),
3 "property" includes rental property (real or personal).

4 (e) He or she issues or delivers a check or other order
5 upon a real or fictitious depository in an amount exceeding
6 \$150 in payment of an amount owed on any credit transaction
7 for property, labor or services, or in payment of the
8 entire amount owed on any credit transaction for property,
9 labor or services, knowing that it will not be paid by the
10 depository, and thereafter fails to provide funds or credit
11 with the depository in the face amount of the check or
12 order within 7 days of receiving actual notice from the
13 depository or payee of the dishonor of the check or order.

14 Sentence.

15 A person convicted of a deceptive practice under paragraph
16 (a), (b), (c), (d), or (e) of this subsection (B), except as
17 otherwise provided by this Section, is guilty of a Class A
18 misdemeanor.

19 A person convicted of a deceptive practice in violation of
20 paragraph (d) a second or subsequent time shall be guilty of a
21 Class 4 felony.

22 A person convicted of deceptive practices in violation of
23 paragraph (a) or (d), when the value of the property so
24 obtained, in a single transaction, or in separate transactions
25 within a 90 day period, exceeds \$150, shall be guilty of a
26 Class 4 felony. In the case of a prosecution for separate

1 transactions totaling more than \$150 within a 90 day period,
2 such separate transactions shall be alleged in a single charge
3 and provided in a single prosecution.

4 (C) Deception on a Bank or Other Financial Institution.

5 (1) False Statements.

6 Any person who, with the intent to defraud, makes or causes
7 to be made any false statement in writing in order to obtain an
8 account with a bank or other financial institution, or to
9 obtain credit from a bank or other financial institution, or to
10 obtain services from a currency exchange, knowing such writing
11 to be false, and with the intent that it be relied upon, is
12 guilty of a Class A misdemeanor.

13 For purposes of this subsection (C), a false statement
14 shall mean any false statement representing identity, address,
15 or employment, or the identity, address or employment of any
16 person, firm or corporation.

17 (2) Possession of Stolen or Fraudulently Obtained Checks.

18 Any person who possesses, with the intent to obtain access
19 to funds of another person held in a real or fictitious deposit
20 account at a financial institution, makes a false statement or
21 a misrepresentation to the financial institution, or
22 possesses, transfers, negotiates, or presents for payment a
23 check, draft, or other item purported to direct the financial
24 institution to withdraw or pay funds out of the account
25 holder's deposit account with knowledge that such possession,

1 transfer, negotiation, or presentment is not authorized by the
2 account holder or the issuing financial institution is guilty
3 of a Class A misdemeanor. A person shall be deemed to have been
4 authorized to possess, transfer, negotiate, or present for
5 payment such item if the person was otherwise entitled by law
6 to withdraw or recover funds from the account in question and
7 followed the requisite procedures under the law. In the event
8 that the account holder, upon discovery of the withdrawal or
9 payment, claims that the withdrawal or payment was not
10 authorized, the financial institution may require the account
11 holder to submit an affidavit to that effect on a form
12 satisfactory to the financial institution before the financial
13 institution may be required to credit the account in an amount
14 equal to the amount or amounts that were withdrawn or paid
15 without authorization.

16 Any person who, within any 12 month period, violates this
17 Section with respect to 3 or more checks or orders for the
18 payment of money at the same time or consecutively, each the
19 property of a different account holder or financial
20 institution, is guilty of a Class 4 felony.

21 (3) Possession of Implements of Check Fraud.

22 Any person who possesses, with the intent to defraud and
23 without the authority of the account holder or financial
24 institution, any check imprinter, signature imprinter, or
25 "certified" stamp is guilty of a Class A misdemeanor.

26 A person who within any 12 month period violates this

1 subsection (C) as to possession of 3 or more such devices at
2 the same time or consecutively, is guilty of a Class 4 felony.

3 (4) Possession of Identification Card.

4 Any person who, with the intent to defraud, possesses any
5 check guarantee card or key card or identification card for
6 cash dispensing machines without the authority of the account
7 holder or financial institution is guilty of a Class A
8 misdemeanor.

9 A person who, within any 12 month period, violates this
10 Section at the same time or consecutively with respect to 3 or
11 more cards, each the property of different account holders, is
12 guilty of a Class 4 felony.

13 A person convicted under this Section, when the value of
14 property so obtained, in a single transaction, or in separate
15 transactions within any 90 day period, exceeds \$150 shall be
16 guilty of a Class 4 felony.

17 (Source: P.A. 94-872, eff. 6-16-06.)