

SB3169



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3169

Introduced 2/9/2010, by Sen. Heather Steans

SYNOPSIS AS INTRODUCED:

15 ILCS 335/14A

from Ch. 124, par. 34A

625 ILCS 5/6-301.1

from Ch. 95 1/2, par. 6-301.1

Amends the Illinois Identification Card Act. Provides that information concerning a non-existent address used to obtain an identification card is false information for the purposes of a particular provision of the Act. Amends the Illinois Vehicle Code. Provides that information concerning a non-existent address used to obtain a driver's license or permit is false information for the purposes of a particular provision of the Code. Also makes technical changes.

LRB096 17699 JDS 33063 b

A BILL FOR

1 AN ACT concerning State government.

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 14A as follows:

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

7 Sec. 14A. Fictitious or unlawfully altered identification
8 card.

9 (a) As used in this Section:

10 1. "A fictitious identification card" means any issued
11 identification card for which a computerized number and
12 file have been created by the Secretary of State, the
13 United States Government, any other state or political
14 subdivision thereof, or any governmental or
15 quasi-governmental organization that contains false
16 information concerning the identity of the individual
17 issued the identification card. ~~+~~

18 2. "False information" means:

19 (A) Any ~~any~~ information concerning an individual's
20 ~~the~~ legal name, address, sex, date of birth, or social
21 security number ~~or any photograph~~ that (i) falsifies
22 all or in part the actual identity of the individual
23 issued the identification card, (ii) in the case of

1 information concerning an address, is information
2 concerning a non-existent address that is used to
3 obtain the identification card, or (iii) is any
4 combination of items (i) and (ii) of this subparagraph
5 (A). †

6 (B) Any photograph that falsifies all or in part
7 the actual identity of the individual issued the
8 identification card.

9 3. "An unlawfully altered identification card" means
10 any issued identification card for which a computerized
11 number and file have been created by the Secretary of
12 State, the United States Government, any other state or
13 political subdivision thereof, or any governmental or
14 quasi-governmental organization that has been physically
15 altered or changed in such a manner that false information
16 appears upon the identification card. †

17 4. "A document capable of defrauding another"
18 includes, but is not limited to, any document by which any
19 right, obligation, or power with reference to any person or
20 property may be created, transferred, altered, or
21 terminated. †

22 5. An "identification document" or "identification
23 card" means any document made or issued by or under the
24 authority of the United States Government, the State of
25 Illinois, or any other state or political subdivision
26 thereof, or any other governmental or quasi-governmental

1 organization which, when completed with information
2 concerning the individual, is of a type intended or
3 commonly accepted for the purpose of identification of an
4 individual.

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

6 1. To knowingly possess, display, or cause to be
7 displayed any fictitious or unlawfully altered
8 identification card;

9 2. To knowingly possess, display, or cause to be
10 displayed any fictitious or unlawfully altered
11 identification card for the purpose of obtaining any
12 account, credit, credit card, or debit card from a bank,
13 financial institution, or retail mercantile establishment;

14 3. To knowingly possess any fictitious or unlawfully
15 altered identification card with the intent to commit a
16 theft, deception, or credit or debit card fraud in
17 violation of any law of this State or any law of any other
18 jurisdiction;

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

25 5. To knowingly possess any fictitious or unlawfully
26 altered identification card while in unauthorized

1 possession of any document, instrument, or device capable
2 of defrauding another;

3 6. To knowingly possess any fictitious or unlawfully
4 altered identification card with the intent to use the
5 identification card to acquire any other identification
6 document;

7 7. To knowingly issue or assist in the issuance of any
8 fictitious identification card;

9 8. To knowingly alter or attempt to alter any
10 identification card;

11 9. To knowingly manufacture, possess, transfer, or
12 provide any identification document whether real or
13 fictitious for the purpose of obtaining a fictitious
14 identification card;

15 10. To make application for the purpose of obtaining a
16 fictitious identification card for another person;

17 11. To obtain the services of another person to make
18 application for the purpose of obtaining a fictitious
19 identification card.

20 (c) Sentence.

21 1. Any person convicted of a violation of paragraph 1,
22 10, or 11 of subsection (b) of this Section shall be guilty
23 of a Class 4 felony. A person convicted of a second or
24 subsequent violation shall be guilty of a Class 3 felony
25 and shall be sentenced to a minimum fine of \$500 or 50
26 hours of community service, preferably at an alcohol abuse

1 prevention program, if available.

2 2. Any person convicted of a violation of paragraph 1
3 of subsection (b) of this Section who at the time of arrest
4 had in his possession two or more fictitious or unlawfully
5 altered identification cards shall be guilty of a Class 4
6 felony.

7 3. Any person convicted of a violation of paragraph 2
8 through 9 of subsection (b) of this Section shall be guilty
9 of a Class 4 felony. A person convicted of a second or
10 subsequent violation shall be guilty of a Class 3 felony.

11 (d) This Section does not prohibit any lawfully authorized
12 investigative, protective, law enforcement or other activity
13 of any agency of the United States, State of Illinois, or any
14 other state or political subdivision thereof.

15 (Source: P.A. 93-895, eff. 1-1-05.)

16 Section 10. The Illinois Vehicle Code is amended by
17 changing Section 6-301.1 as follows:

18 (625 ILCS 5/6-301.1) (from Ch. 95 1/2, par. 6-301.1)

19 Sec. 6-301.1. Fictitious or unlawfully altered driver's
20 license or permit.

21 (a) As used in this Section:

22 1. "A fictitious driver's license or permit" means any
23 issued license or permit for which a computerized number
24 and file have been created by the Secretary of State or

1 other official driver's license agency in another
2 jurisdiction which contains false information concerning
3 the identity of the individual issued the license or
4 permit. †

5 2. "False information" means:

6 (A) Any ~~any~~ information concerning an individual's
7 ~~the~~ legal name, address, sex, date of birth, or social
8 security number ~~or any photograph~~ that (i) falsifies
9 all or in part the actual identity of the individual
10 issued the license or permit, (ii) in the case of
11 information concerning an address, is information
12 concerning a non-existent address that is used to
13 obtain the license or permit, or (iii) is any
14 combination of items (i) and (ii) of this subparagraph
15 (A). †

16 (B) Any photograph that falsifies all or in part
17 the actual identity of the individual issued the
18 permit.

19 3. "An unlawfully altered driver's license or permit"
20 means any issued license or permit for which a computerized
21 number and file have been created by the Secretary of State
22 or other official driver's license agency in another
23 jurisdiction which has been physically altered or changed
24 in such a manner that false information appears upon the
25 license or permit. †

26 4. "A document capable of defrauding another"

1 includes, but is not limited to, any document by which any
2 right, obligation, or power with reference to any person or
3 property may be created, transferred, altered, or
4 terminated.

5 5. "An identification document" means any document
6 made or issued by or under the authority of the United
7 States Government, the State of Illinois, or any other
8 state or political subdivision thereof, or any other
9 governmental or quasi-governmental organization which,
10 when completed with information concerning the individual,
11 is of a type intended or commonly accepted for the purpose
12 of identification of an individual.

13 6. "Common carrier" means any public or private
14 provider of transportation, whether by land, air, or water.

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

16 1. To knowingly possess any fictitious or unlawfully
17 altered driver's license or permit;

18 2. To knowingly possess, display, or cause to be
19 displayed any fictitious or unlawfully altered driver's
20 license or permit for the purpose of obtaining any account,
21 credit, credit card, or debit card from a bank, financial
22 institution, or retail mercantile establishment;

23 3. To knowingly possess any fictitious or unlawfully
24 altered driver's license or permit with the intent to
25 commit a theft, deception, or credit or debit card fraud in
26 violation of any law of this State or any law of any other

1 jurisdiction;

2 4. To knowingly possess any fictitious or unlawfully
3 altered driver's license or permit with the intent to
4 commit any other violation of any law of this State or any
5 law of any other jurisdiction for which a sentence to a
6 term of imprisonment in a penitentiary for one year or more
7 is provided;

8 5. To knowingly possess any fictitious or unlawfully
9 altered driver's license or permit while in possession
10 without authority of any document, instrument, or device
11 capable of defrauding another;

12 6. To knowingly possess any fictitious or unlawfully
13 altered driver's license or permit with the intent to use
14 the license or permit to acquire any other identification
15 document;

16 7. To knowingly issue or assist in the issuance of any
17 fictitious driver's license or permit;

18 8. To knowingly alter or attempt to alter any driver's
19 license or permit;

20 9. To knowingly manufacture, possess, transfer, or
21 provide any identification document whether real or
22 fictitious for the purpose of obtaining a fictitious
23 driver's license or permit;

24 10. To knowingly use any fictitious or unlawfully
25 altered driver's license or permit to purchase or attempt
26 to purchase any ticket for a common carrier or to board or

1 attempt to board any common carrier;

2 11. To knowingly possess any fictitious or unlawfully
3 altered driver's license or permit if the person has at the
4 time a different driver's license issued by the Illinois
5 Secretary of State or other official driver's license
6 agency in another jurisdiction that is suspended or
7 revoked.

8 (c) Sentence.

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

16 2. Any person convicted of a violation of paragraph 3
17 of subsection (b) of this Section who at the time of arrest
18 had in his possession two or more fictitious or unlawfully
19 altered driver's licenses or permits shall be guilty of a
20 Class 4 felony.

21 3. Any person convicted of a violation of any of
22 paragraphs 2 through 11 of subsection (b) of this Section
23 shall be guilty of a Class 4 felony. A person convicted of
24 a second or subsequent violation shall be guilty of a Class
25 3 felony.

26 (d) This Section does not prohibit any lawfully authorized

1 investigative, protective, law enforcement, or other activity
2 of any agency of the United States, State of Illinois, or any
3 other state or political subdivision thereof.

4 (Source: P.A. 92-673, eff. 1-1-03; 93-895, eff. 1-1-05.)