

**SB3645**



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**SB3645**

Introduced 2/11/2010, by Sen. Linda Holmes

**SYNOPSIS AS INTRODUCED:**

815 ILCS 515/5

from Ch. 121 1/2, par. 1605

Amends the Home Repair Fraud Act. Provides that a person commits the offense of aggravated home repair fraud when he commits home repair fraud in connection with a home repair project intended to assist a disabled person. Provides that aggravated home repair involving misrepresentation or deception is a Class 3 (instead of Class 4) felony when the amount of the contract or agreement is \$500 or less and a Class 2 (instead of Class 3) felony for a second or subsequent offense when the amount of the contract or agreement is \$500 or less. Effective immediately.

LRB096 20744 DRJ 36488 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

**A BILL FOR**

1 AN ACT concerning business.

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

4 Section 5. The Home Repair Fraud Act is amended by changing  
5 Section 5 as follows:

6 (815 ILCS 515/5) (from Ch. 121 1/2, par. 1605)

7 Sec. 5. Aggravated Home Repair Fraud. A person commits the  
8 offense of aggravated home repair fraud when he commits home  
9 repair fraud:

10 (i) against a person 60 years of age or older or a  
11 disabled person as defined in Section 16-1.3 of the  
12 Criminal Code of 1961; or

13 (ii) in connection with a home repair project intended  
14 to assist a disabled person.

15 (a) Aggravated violation of paragraphs (1) or (2) of  
16 subsection (a) of Section 3 of this Act shall be a Class 2  
17 felony when the amount of the contract or agreement is more  
18 than \$500, a Class 3 ~~4~~ felony when the amount of the contract  
19 or agreement is \$500 or less, and a Class 2 ~~3~~ felony for a  
20 second or subsequent offense when the amount of the contract or  
21 agreement is \$500 or less. If 2 or more contracts or agreements  
22 for home repair exceed an aggregate amount of \$500 or more and  
23 such contracts or agreements are entered into with the same

1 victim by one or more of the defendants as part of or in  
2 furtherance of a common fraudulent scheme, design or intention,  
3 the violation shall be a Class 2 felony.

4 (b) Aggravated violation of paragraph (3) of subsection (a)  
5 of Section 3 of this Act shall be a Class 2 felony when the  
6 amount of the contract or agreement is more than \$5,000 and a  
7 Class 3 felony when the amount of the contract or agreement is  
8 \$5,000 or less.

9 (c) Aggravated violation of paragraph (4) of subsection (a)  
10 of Section 3 of this Act shall be a Class 3 felony when the  
11 amount of the contract or agreement is more than \$500, a Class  
12 4 felony when the amount of the contract or agreement is \$500  
13 or less and a Class 3 felony for a second or subsequent offense  
14 when the amount of the contract or agreement is \$500 or less.

15 (d) Aggravated violation of paragraphs (1) or (2) of  
16 subsection (b) of Section 3 of this Act shall be a Class 3  
17 felony.

18 (e) If a person commits aggravated home repair fraud, then  
19 any State or local license or permit held by that person that  
20 relates to the business of home repair may be appropriately  
21 suspended or revoked by the issuing authority, commensurate  
22 with the severity of the offense.

23 (f) A defense to aggravated home repair fraud does not  
24 exist merely because the accused reasonably believed the victim  
25 to be a person less than 60 years of age.

26 (Source: P.A. 93-542, eff. 1-1-04.)

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.