



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB0064

Introduced 1/27/2011, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

720 ILCS 5/17-2
720 ILCS 5/32-5

from Ch. 38, par. 17-2
from Ch. 38, par. 32-5

Amends the Criminal Code of 1961. Provides that a person commits false personation when he or she falsely represents himself or herself: to be another person and does an act in such assumed character with intent to obtain a benefit or to injure or defraud another; to be a representative of some person or organization and does an act in such false capacity with intent to obtain a benefit or to injure or defraud another; or to be another person by Internet website or electronic means with intent to obtain a benefit or injure or defraud another, or by such communication falsely represents himself or herself to be a public officer or public employee to induce another person to submit to such authority or act in reliance on such false representation. Provides that the trier of fact may infer that a person is falsely representing himself or herself to be a public officer or a public employee or an official or employee of the federal government if the person wears or displays without authority any uniform, badge, insignia, or facsimile thereof by which such public officer or public employee or official or employee of the federal government is lawfully distinguished, or if the person falsely expresses by his or her words or actions that he or she is a public officer or public employee or official or employee of the federal government or is acting with approval or authority of a public agency or department and so acts with intent to induce another to submit to such false official authority, to solicit funds or to otherwise cause another person to act in reliance upon that false representation.

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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 Sections 17-2 and 32-5 as follows:

6 (720 ILCS 5/17-2) (from Ch. 38, par. 17-2)

7 Sec. 17-2. False personation; use of title; solicitation;
8 certain entities.

9 (a) A person commits a false personation when he or she
10 falsely represents himself or herself to be a member or
11 representative of any veterans' or public safety personnel
12 organization or a representative of any charitable
13 organization, or when any person exhibits or uses in any manner
14 any decal, badge or insignia of any charitable, public safety
15 personnel, or veterans' organization when not authorized to do
16 so by the charitable, public safety personnel, or veterans'
17 organization. "Public safety personnel organization" has the
18 meaning ascribed to that term in Section 1 of the Solicitation
19 for Charity Act.

20 (a-5) A person commits a false personation when he or she
21 falsely represents himself or herself to be a veteran in
22 seeking employment or public office. In this subsection,
23 "veteran" means a person who has served in the Armed Services

1 or Reserve Forces of the United States.

2 (a-6) A person commits a false personation when he or she
3 falsely represents himself or herself to be a recipient of, or
4 wears on his or her person, any of the following medals if that
5 medal was not awarded to that person by the United States
6 government, irrespective of branch of service: the
7 Congressional Medal of Honor, the Distinguished Service Cross,
8 the Navy Cross, the Air Force Cross, the Silver Star, the
9 Bronze Star, or the Purple Heart.

10 It is a defense to a prosecution under this subsection
11 (a-6) that the medal is used, or is intended to be used,
12 exclusively:

13 (1) for a dramatic presentation, such as a theatrical,
14 film, or television production, or a historical
15 re-enactment; or

16 (2) for a costume worn, or intended to be worn, by a
17 person under 18 years of age.

18 (a-7) A person commits a false personation when he or she:

19 (1) falsely represents himself or herself to be another
20 person and does an act in such assumed character with
21 intent to obtain a benefit or to injure or defraud another;

22 (2) falsely represents himself or herself to be a
23 representative of some person or organization and does an
24 act in such false capacity with intent to obtain a benefit
25 or to injure or defraud another; or

26 (3) falsely represents himself or herself to be another

1 person by Internet website or electronic means with intent
2 to obtain a benefit or injure or defraud another, or by
3 such communication falsely represents himself or herself
4 to be a public officer or public employee in order to
5 induce another person to submit to such authority or act in
6 reliance on such false representation.

7 (b) No person shall use the words "Chicago Police,"
8 "Chicago Police Department," "Chicago Patrolman," "Chicago
9 Sergeant," "Chicago Lieutenant," "Chicago Peace Officer" or
10 any other words to the same effect in the title of any
11 organization, magazine, or other publication without the
12 express approval of the Chicago Police Board.

13 (b-5) No person shall use the words "Cook County Sheriff's
14 Police" or "Cook County Sheriff" or any other words to the same
15 effect in the title of any organization, magazine, or other
16 publication without the express approval of the office of the
17 Cook County Sheriff's Merit Board. The references to names and
18 titles in this Section may not be construed as authorizing use
19 of the names and titles of other organizations or public safety
20 personnel organizations otherwise prohibited by this Section
21 or the Solicitation for Charity Act.

22 (b-10) No person may use, in the title of any organization,
23 magazine, or other publication, the words "officer", "peace
24 officer", "police", "law enforcement", "trooper", "sheriff",
25 "deputy", "deputy sheriff", or "state police" in combination
26 with the name of any state, state agency, public university, or

1 unit of local government without the express written
2 authorization of that state, state agency, or unit of local
3 government.

4 (c) (Blank).

5 (c-1) No person may claim or represent that he or she is
6 acting on behalf of any police department, chief of a police
7 department, fire department, chief of a fire department,
8 sheriff's department, or sheriff when soliciting financial
9 contributions or selling or delivering or offering to sell or
10 deliver any merchandise, goods, services, memberships, or
11 advertisements unless the chief of the police department, fire
12 department, and the corporate or municipal authority thereof,
13 or the sheriff has first entered into a written agreement with
14 the person or with an organization with which the person is
15 affiliated and the agreement permits the activity.

16 (c-2) No person, when soliciting financial contributions
17 or selling or delivering or offering to sell or deliver any
18 merchandise, goods, services, memberships, or advertisements
19 may claim or represent that he or she is representing or acting
20 on behalf of any nongovernmental organization by any name which
21 includes "officer", "peace officer", "police", "law
22 enforcement", "trooper", "sheriff", "deputy", "deputy
23 sheriff", "State police", or any other word or words which
24 would reasonably be understood to imply that the organization
25 is composed of law enforcement personnel unless the person is
26 actually representing or acting on behalf of the

1 nongovernmental organization, and the nongovernmental
2 organization is controlled by and governed by a membership of
3 and represents a group or association of active duty peace
4 officers, retired peace officers, or injured peace officers and
5 before commencing the solicitation or the sale or the offers to
6 sell any merchandise, goods, services, memberships, or
7 advertisements, a written contract between the soliciting or
8 selling person and the nongovernmental organization has been
9 entered into.

10 (c-3) No person may solicit financial contributions or sell
11 or deliver or offer to sell or deliver any merchandise, goods,
12 services, memberships, or advertisements on behalf of a police,
13 sheriff, or other law enforcement department unless that person
14 is actually representing or acting on behalf of the department
15 or governmental organization and has entered into a written
16 contract with the police chief, or head of the law enforcement
17 department, and the corporate or municipal authority thereof,
18 or the sheriff, which specifies and states clearly and fully
19 the purposes for which the proceeds of the solicitation,
20 contribution, or sale will be used.

21 (c-4) No person, when soliciting financial contributions
22 or selling or delivering or offering to sell or deliver any
23 merchandise, goods, services, memberships, or advertisements,
24 may claim or represent that he or she is representing or acting
25 on behalf of any nongovernmental organization by any name which
26 includes the term "fireman", "fire fighter", "paramedic", or

1 any other word or words which would reasonably be understood to
2 imply that the organization is composed of fire fighter or
3 paramedic personnel unless the person is actually representing
4 or acting on behalf of the nongovernmental organization, and
5 the nongovernmental organization is controlled by and governed
6 by a membership of and represents a group or association of
7 active duty, retired, or injured fire fighters (for the
8 purposes of this Section, "fire fighter" has the meaning
9 ascribed to that term in Section 2 of the Illinois Fire
10 Protection Training Act) or active duty, retired, or injured
11 emergency medical technicians - ambulance, emergency medical
12 technicians - intermediate, emergency medical technicians -
13 paramedic, ambulance drivers, or other medical assistance or
14 first aid personnel, and before commencing the solicitation or
15 the sale or delivery or the offers to sell or deliver any
16 merchandise, goods, services, memberships, or advertisements,
17 a written contract between the soliciting or selling person and
18 the nongovernmental organization has been entered into.

19 (c-5) No person may solicit financial contributions or sell
20 or deliver or offer to sell or deliver any merchandise, goods,
21 services, memberships, or advertisements on behalf of a
22 department or departments of fire fighters unless that person
23 is actually representing or acting on behalf of the department
24 or departments and has entered into a written contract with the
25 department chief and corporate or municipal authority thereof
26 which specifies and states clearly and fully the purposes for

1 which the proceeds of the solicitation, contribution, or sale
2 will be used.

3 (c-6) No person may claim or represent that he or she is an
4 airman, airline employee, airport employee, or contractor at an
5 airport in order to obtain the uniform, identification card,
6 license, or other identification paraphernalia of an airman,
7 airline employee, airport employee, or contractor at an
8 airport.

9 (d) Sentence. False personation, unapproved use of a name
10 or title, or solicitation in violation of subsection (a), (b),
11 (b-5), or (b-10) of this Section is a Class C misdemeanor.
12 False personation in violation of subsections (a-5), (a-7), and
13 (c-6) is a Class A misdemeanor. False personation in violation
14 of subsection (a-6) of this Section is a petty offense for
15 which the offender shall be fined at least \$100 and not
16 exceeding \$200. Engaging in any activity in violation of
17 subsection (c-1), (c-2), (c-3), (c-4), or (c-5) of this Section
18 is a Class 4 felony.

19 (Source: P.A. 95-331, eff. 8-21-07; 96-328, eff. 8-11-09.)

20 (720 ILCS 5/32-5) (from Ch. 38, par. 32-5)

21 Sec. 32-5. False personation of attorney, judicial, or
22 governmental officials.

23 (a) A person who falsely represents himself or herself to
24 be an attorney authorized to practice law for purposes of
25 compensation or consideration commits a Class 4 felony. This

1 subsection (a) does not apply to a person who unintentionally
2 fails to pay attorney registration fees established by Supreme
3 Court Rule.

4 (b) A person who falsely represents himself or herself to
5 be a public officer or a public employee or an official or
6 employee of the federal government commits a Class A
7 misdemeanor. If the false representation is made in furtherance
8 of the commission of a felony, the penalty for a violation of
9 this subsection (b) is a Class 4 felony.

10 (b-5) The trier of fact may infer that a person is falsely
11 representing himself or herself to be a public officer or a
12 public employee or an official or employee of the federal
13 government if the person:

14 (1) wears or displays without authority any uniform,
15 badge, insignia, or facsimile thereof by which such public
16 officer or public employee or official or employee of the
17 federal government is lawfully distinguished, or if the
18 person falsely expresses by his or her words or actions
19 that he or she is a public officer or public employee or
20 official or employee of the federal government or is acting
21 with approval or authority of a public agency or
22 department; and

23 (2) so acts with intent to induce another to submit to
24 such false official authority, to solicit funds, or to
25 otherwise cause another person to act in reliance upon that
26 false representation.

1 (c) A person who falsely represents himself or herself to
2 be a public officer or a public employee commits a Class 4
3 felony if that false representation was for the purpose of
4 effectuating identity theft as defined in Section 16G-15 of
5 this Code.

6 (Source: P.A. 94-985, eff. 1-1-07; 95-324, eff. 1-1-08; 95-625,
7 eff. 6-1-08; 95-876, eff. 8-21-08.)