

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 17-10.6 as follows:

6 (720 ILCS 5/17-10.6)

7 (Text of Section before amendment by P.A. 96-1532)

8 Sec. 17-10.6. Financial institution fraud.

9 (a) Misappropriation of financial institution property. A
10 person commits misappropriation of a financial institution's
11 property whenever he or she knowingly obtains or exerts
12 unauthorized control over any of the moneys, funds, credits,
13 assets, securities, or other property owned by or under the
14 custody or control of a financial institution, or under the
15 custody or care of any agent, officer, director, or employee of
16 such financial institution.

17 (b) Commercial bribery of a financial institution.

18 (1) A person commits commercial bribery of a financial
19 institution when he or she knowingly confers or offers or
20 agrees to confer any benefit upon any employee, agent, or
21 fiduciary without the consent of the latter's employer or
22 principal, with the intent to influence his or her conduct
23 in relation to his or her employer's or principal's

1 affairs.

2 (2) An employee, agent, or fiduciary of a financial
3 institution commits commercial bribery of a financial
4 institution when, without the consent of his or her
5 employer or principal, he or she knowingly solicits,
6 accepts, or agrees to accept any benefit from another
7 person upon an agreement or understanding that such benefit
8 will influence his or her conduct in relation to his or her
9 employer's or principal's affairs.

10 (c) Financial institution fraud. A person commits
11 financial institution fraud when he or she knowingly executes
12 or attempts to execute a scheme or artifice:

13 (1) to defraud a financial institution; or

14 (2) to obtain any of the moneys, funds, credits,
15 assets, securities, or other property owned by or under the
16 custody or control of a financial institution, by means of
17 pretenses, representations, or promises he or she knows to
18 be false.

19 (d) Loan fraud. A person commits loan fraud when he or she
20 knowingly, with intent to defraud, makes any false statement or
21 report, or overvalues any land, property, or security, with the
22 intent to influence in any way the action of a financial
23 institution to act upon any application, advance, discount,
24 purchase, purchase agreement, repurchase agreement,
25 commitment, or loan, or any change or extension of any of the
26 same, by renewal, deferment of action, or otherwise, or the

1 acceptance, release, or substitution of security.

2 (e) Concealment of collateral. A person commits
3 concealment of collateral when he or she, with intent to
4 defraud, knowingly conceals, removes, disposes of, or converts
5 to the person's own use or to that of another any property
6 mortgaged or pledged to or held by a financial institution.

7 (f) Financial institution robbery. A person commits
8 robbery when he or she knowingly, by force or threat of force,
9 or by intimidation, takes, or attempts to take, from the person
10 or presence of another, or obtains or attempts to obtain by
11 extortion, any property or money or any other thing of value
12 belonging to, or in the care, custody, control, management, or
13 possession of, a financial institution.

14 (g) Conspiracy to commit a financial crime.

15 (1) A person commits conspiracy to commit a financial
16 crime when, with the intent that any violation of this
17 Section be committed, he or she agrees with another person
18 to the commission of that offense.

19 (2) No person may be convicted of conspiracy to commit
20 a financial crime unless an overt act or acts in
21 furtherance of the agreement is alleged and proved to have
22 been committed by that person or by a co-conspirator and
23 the accused is a part of a common scheme or plan to engage
24 in the unlawful activity.

25 (3) It shall not be a defense to conspiracy to commit a
26 financial crime that the person or persons with whom the

1 accused is alleged to have conspired:

2 (A) has not been prosecuted or convicted;

3 (B) has been convicted of a different offense;

4 (C) is not amenable to justice;

5 (D) has been acquitted; or

6 (E) lacked the capacity to commit the offense.

7 (h) Continuing financial crimes enterprise. A person
8 commits a continuing financial crimes enterprise when he or she
9 knowingly, within an 18-month period, commits 3 or more
10 separate offenses under this Section or, if involving a
11 financial institution, any other felony offenses under this
12 Code.

13 (i) Organizer of a continuing financial crimes enterprise.

14 (1) A person commits being an organizer of a continuing
15 financial crimes enterprise when he or she:

16 (A) with the intent to commit any offense under
17 this Section, or, if involving a financial
18 institution, any other felony offense under this Code,
19 agrees with another person to the commission of that
20 offense on 3 or more separate occasions within an
21 18-month period; and

22 (B) with respect to the other persons within the
23 conspiracy, occupies a position of organizer,
24 supervisor, or financier or other position of
25 management.

26 (2) The person with whom the accused agreed to commit

1 the 3 or more offenses under this Section, or, if involving
2 a financial institution, any other felony offenses under
3 this Code, need not be the same person or persons for each
4 offense, as long as the accused was a part of the common
5 scheme or plan to engage in each of the 3 or more alleged
6 offenses.

7 (j) Sentence.

8 (1) Except as otherwise provided in this subsection, a
9 violation of this Section, the full value of which:

10 (A) does not exceed \$500, is a Class A misdemeanor;

11 (B) does not exceed \$500, and the person has been
12 previously convicted of a financial crime or any type
13 of theft, robbery, armed robbery, burglary,
14 residential burglary, possession of burglary tools, or
15 home invasion, is guilty of a Class 4 felony;

16 (C) exceeds \$500 but does not exceed \$10,000, is a
17 Class 3 felony;

18 (D) exceeds \$10,000 but does not exceed \$100,000,
19 is a Class 2 felony;

20 (E) exceeds \$100,000, is a Class 1 felony.

21 (2) A violation of subsection (f) is a Class 1 felony.

22 (3) A violation of subsection (h) is a Class 1 felony.

23 (4) A violation for subsection (i) is a Class X felony.

24 (k) A "financial crime" means an offense described in this
25 Section.

26 (l) Period of limitations. The period of limitations for

1 prosecution of any offense defined in this Section begins at
2 the time when the last act in furtherance of the offense is
3 committed.

4 (Source: P.A. 96-1551, eff. 7-1-11.)

5 (Text of Section after amendment by P.A. 96-1532)

6 Sec. 17-10.6. Financial institution fraud.

7 (a) Misappropriation of financial institution property. A
8 person commits misappropriation of a financial institution's
9 property whenever he or she knowingly obtains or exerts
10 unauthorized control over any of the moneys, funds, credits,
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12 custody or control of a financial institution, or under the
13 custody or care of any agent, officer, director, or employee of
14 such financial institution.

15 (b) Commercial bribery of a financial institution.

16 (1) A person commits commercial bribery of a financial
17 institution when he or she knowingly confers or offers or
18 agrees to confer any benefit upon any employee, agent, or
19 fiduciary without the consent of the latter's employer or
20 principal, with the intent to influence his or her conduct
21 in relation to his or her employer's or principal's
22 affairs.

23 (2) An employee, agent, or fiduciary of a financial
24 institution commits commercial bribery of a financial
25 institution when, without the consent of his or her

1 employer or principal, he or she knowingly solicits,
2 accepts, or agrees to accept any benefit from another
3 person upon an agreement or understanding that such benefit
4 will influence his or her conduct in relation to his or her
5 employer's or principal's affairs.

6 (c) Financial institution fraud. A person commits
7 financial institution fraud when he or she knowingly executes
8 or attempts to execute a scheme or artifice:

9 (1) to defraud a financial institution; or

10 (2) to obtain any of the moneys, funds, credits,
11 assets, securities, or other property owned by or under the
12 custody or control of a financial institution, by means of
13 pretenses, representations, or promises he or she knows to
14 be false.

15 (d) Loan fraud. A person commits loan fraud when he or she
16 knowingly, with intent to defraud, makes any false statement or
17 report, or overvalues any land, property, or security, with the
18 intent to influence in any way the action of a financial
19 institution to act upon any application, advance, discount,
20 purchase, purchase agreement, repurchase agreement,
21 commitment, or loan, or any change or extension of any of the
22 same, by renewal, deferment of action, or otherwise, or the
23 acceptance, release, or substitution of security.

24 (e) Concealment of collateral. A person commits
25 concealment of collateral when he or she, with intent to
26 defraud, knowingly conceals, removes, disposes of, or converts

1 to the person's own use or to that of another any property
2 mortgaged or pledged to or held by a financial institution.

3 (f) Financial institution robbery. A person commits
4 robbery when he or she knowingly, by force or threat of force,
5 or by intimidation, takes, or attempts to take, from the person
6 or presence of another, or obtains or attempts to obtain by
7 extortion, any property or money or any other thing of value
8 belonging to, or in the care, custody, control, management, or
9 possession of, a financial institution.

10 (g) Conspiracy to commit a financial crime.

11 (1) A person commits conspiracy to commit a financial
12 crime when, with the intent that any violation of this
13 Section be committed, he or she agrees with another person
14 to the commission of that offense.

15 (2) No person may be convicted of conspiracy to commit
16 a financial crime unless an overt act or acts in
17 furtherance of the agreement is alleged and proved to have
18 been committed by that person or by a co-conspirator and
19 the accused is a part of a common scheme or plan to engage
20 in the unlawful activity.

21 (3) It shall not be a defense to conspiracy to commit a
22 financial crime that the person or persons with whom the
23 accused is alleged to have conspired:

24 (A) has not been prosecuted or convicted;

25 (B) has been convicted of a different offense;

26 (C) is not amenable to justice;

1 (D) has been acquitted; or

2 (E) lacked the capacity to commit the offense.

3 (h) Continuing financial crimes enterprise. A person
4 commits a continuing financial crimes enterprise when he or she
5 knowingly, within an 18-month period, commits 3 or more
6 separate offenses constituting any combination of the
7 following:

8 (1) an offense under this Section;

9 (2) a felony offense in violation of Section 16A-3 or
10 paragraph (4) or (5) of subsection (a) of Section 16-1 of
11 this Code for the purpose of reselling or otherwise
12 re-entering the merchandise in commerce, including
13 conveying the merchandise to a merchant in exchange for
14 anything of value; or

15 (3) if involving a financial institution, any other
16 felony offense offenses under this Code.

17 (i) Organizer of a continuing financial crimes enterprise.

18 (1) A person commits being an organizer of a continuing
19 financial crimes enterprise when he or she:

20 (A) with the intent to commit any offense ~~under~~
21 ~~this Section,~~ agrees with another person to the
22 commission of any combination of the following
23 offenses on 3 or more separate occasions within an
24 18-month period:

25 (i) an offense under this Section;

26 (ii) a felony offense in violation of Section

1 16A-3 or paragraph (4) or (5) of subsection (a) of
2 Section 16-1 of this Code for the purpose of
3 reselling or otherwise re-entering the merchandise
4 in commerce, including conveying the merchandise
5 to a merchant in exchange for anything of value; or

6 (iii)~~7~~ if involving a financial institution,
7 any other felony offense under this Code, ~~agrees~~
8 ~~with another person to the commission of that~~
9 ~~offense on 3 or more separate occasions within an~~
10 ~~18 month period; and~~

11 (B) with respect to the other persons within the
12 conspiracy, occupies a position of organizer,
13 supervisor, or financier or other position of
14 management.

15 (2) The person with whom the accused agreed to commit
16 the 3 or more offenses under this Section, or, if involving
17 a financial institution, any other felony offenses under
18 this Code, need not be the same person or persons for each
19 offense, as long as the accused was a part of the common
20 scheme or plan to engage in each of the 3 or more alleged
21 offenses.

22 (j) Sentence.

23 (1) Except as otherwise provided in this subsection, a
24 violation of this Section, the full value of which:

25 (A) does not exceed \$500, is a Class A misdemeanor;

26 (B) does not exceed \$500, and the person has been

1 previously convicted of a financial crime or any type
2 of theft, robbery, armed robbery, burglary,
3 residential burglary, possession of burglary tools, or
4 home invasion, is guilty of a Class 4 felony;

5 (C) exceeds \$500 but does not exceed \$10,000, is a
6 Class 3 felony;

7 (D) exceeds \$10,000 but does not exceed \$100,000,
8 is a Class 2 felony;

9 (E) exceeds \$100,000, is a Class 1 felony.

10 (2) A violation of subsection (f) is a Class 1 felony.

11 (3) A violation of subsection (h) is a Class 1 felony.

12 (4) A violation for subsection (i) is a Class X felony.

13 (k) A "financial crime" means an offense described in this
14 Section.

15 (1) Period of limitations. The period of limitations for
16 prosecution of any offense defined in this Section begins at
17 the time when the last act in furtherance of the offense is
18 committed.

19 (m) Forfeiture. Any violation of subdivision (2) of
20 subsection (h) or subdivision (i) (1) (A) (ii) shall be subject to
21 the remedies, procedures, and forfeiture as set forth in
22 subsections (f) through (s) of Section 29B-1 of this Code.

23 (Source: P.A. 96-1551, eff. 7-1-11; incorporates P.A. 96-1532,
24 eff. 1-1-12; revised 3-23-11.)

25 Section 95. No acceleration or delay. Where this Act makes

1 changes in a statute that is represented in this Act by text
2 that is not yet or no longer in effect (for example, a Section
3 represented by multiple versions), the use of that text does
4 not accelerate or delay the taking effect of (i) the changes
5 made by this Act or (ii) provisions derived from any other
6 Public Act.

7 Section 99. Effective date. This Act takes effect July 1,
8 2011.