



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1013

by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

15 ILCS 305/5.20 new
720 ILCS 5/32-8.1 new

Amends the Secretary of State Act. Provides that a request for an apostille or a certification shall be submitted on the form prescribed by the Secretary of State and must be accompanied by the lawful fee for the apostille or certification. Establishes grounds for which the Secretary of State may refuse to issue an apostille or a certification. Provides that an individual may not remove an apostille, certification, any part of the apostille or certification, or the "great seal of the State of Illinois" from any document to which the Secretary of State has affixed it. Provides this act or any attempt to do so shall render the apostille or certification invalid. Amends the Criminal Code of 2012. Provides that a person commits tampering with a certification by a public official when he or she knowingly, without lawful authority, and with the intent to defraud any individual, entity, public officer, or governmental unit, uses a certification or part of a certification by a public official, including but not limited to an apostille, the "great seal of the State of Illinois", and other certification, in connection with any document he or she knows or reasonably should know is not the original document for which the public official originally issued the certification. Provides that a violation is a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense. Effective July 1, 2013.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning apostilles and certifications.

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

4 Section 5. The Secretary of State Act is amended by adding
5 Section 5.20 as follows:

6 (15 ILCS 305/5.20 new)

7 Sec. 5.20. Apostilles and certifications.

8 (a) A request for an apostille or a certification shall be
9 submitted on the form prescribed by the Secretary of State and
10 must be accompanied by the lawful fee for the apostille or
11 certification.

12 (b) The Secretary of State may refuse to issue an apostille
13 or certification if:

14 (1) the document has not been certified by the
15 appropriate authority, if applicable;

16 (2) the document has not been properly notarized in
17 accordance with the Illinois Notary Public Act, if
18 applicable;

19 (3) the document submitted to the Secretary of State is
20 not an original document;

21 (4) the document is intended for use in the United
22 States or in a country not party to the Hague Legalization
23 Convention, if applicable;

1 (5) the document makes a claim regarding or purports to
2 affect citizenship, immunity, allegiance to a government
3 or jurisdiction, sovereignty, or any similar or related
4 matter; or

5 (6) the Secretary of State has reasonable cause to
6 believe the document may be used to accomplish any
7 fraudulent, criminal, or unlawful purpose.

8 (c) A person may not remove an apostille, certification,
9 any part of the apostille or certification, or the "great seal
10 of the State of Illinois" from any document to which the
11 Secretary of State has affixed it. This act or any attempt to
12 do so shall render the apostille or certification invalid.

13 (d) The Secretary of State shall have the power and
14 authority reasonably necessary to administer this Section
15 efficiently, to perform the duties imposed by this Section, and
16 to adopt rules relating to those duties, in accordance with the
17 Illinois Administrative Procedure Act.

18 Section 10. The Criminal Code of 2012 is amended by adding
19 Section 32-8.1 as follows:

20 (720 ILCS 5/32-8.1 new)

21 Sec. 32-8.1. Tampering with a certification by a public
22 official.

23 (a) A person commits tampering with a certification by a
24 public official when he or she knowingly, without lawful

1 authority, and with the intent to defraud any individual,
2 entity, public officer, or governmental unit, uses a
3 certification or part of a certification by a public official,
4 including but not limited to an apostille, the "great seal of
5 the State of Illinois", or other similar certification, in
6 connection with any document he or she knows or reasonably
7 should know is not the original document for which the public
8 official originally issued the certification.

9 (b) Sentence. Tampering with a certification by a public
10 official is a Class A misdemeanor for a first offense and a
11 Class 4 felony for a second or subsequent offense.

12 Section 99. Effective date. This Act takes effect July 1,
13 2013.