



Rep. Anna Moeller

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1 AMENDMENT TO SENATE BILL 3538

2 AMENDMENT NO. _____. Amend Senate Bill 3538 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Section 17-2 as follows:

6 (720 ILCS 5/17-2) (from Ch. 38, par. 17-2)
7 Sec. 17-2. False personation; solicitation.

8 (a) False personation; solicitation.

9 (1) A person commits a false personation when he or she
10 knowingly and falsely represents himself or herself to be a
11 member or representative of any veterans' or public safety
12 personnel organization or a representative of any
13 charitable organization, or when he or she knowingly
14 exhibits or uses in any manner any decal, badge or insignia
15 of any charitable, public safety personnel, or veterans'
16 organization when not authorized to do so by the

1 charitable, public safety personnel, or veterans'
2 organization. "Public safety personnel organization" has
3 the meaning ascribed to that term in Section 1 of the
4 Solicitation for Charity Act.

5 (2) A person commits a false personation when he or she
6 knowingly and falsely represents himself or herself to be a
7 veteran in seeking employment or public office. In this
8 paragraph, "veteran" means a person who has served in the
9 Armed Services or Reserve Forces of the United States.

10 (2.5) A person commits a false personation when he or
11 she knowingly and falsely represents himself or herself to
12 be:

13 (A) another actual person and does an act in such
14 assumed character with intent to intimidate, threaten,
15 injure, defraud, or to obtain a benefit from another;
16 or

17 (B) a representative of an actual person or
18 organization and does an act in such false capacity
19 with intent to obtain a benefit or to injure or defraud
20 another.

21 (3) No person shall knowingly use the words "Police",
22 "Police Department", "Patrolman", "Sergeant",
23 "Lieutenant", "Peace Officer", "Sheriff's Police",
24 "Sheriff", "Officer", "Law Enforcement", "Trooper",
25 "Deputy", "Deputy Sheriff", "State Police", or any other
26 words to the same effect (i) in the title of any

1 organization, magazine, or other publication without the
2 express approval of the named public safety personnel
3 organization's governing board or (ii) in combination with
4 the name of any state, state agency, public university, or
5 unit of local government without the express written
6 authorization of that state, state agency, public
7 university, or unit of local government.

8 (4) No person may knowingly claim or represent that he
9 or she is acting on behalf of any public safety personnel
10 organization when soliciting financial contributions or
11 selling or delivering or offering to sell or deliver any
12 merchandise, goods, services, memberships, or
13 advertisements unless the chief of the police department,
14 fire department, and the corporate or municipal authority
15 thereof, or the sheriff has first entered into a written
16 agreement with the person or with an organization with
17 which the person is affiliated and the agreement permits
18 the activity and specifies and states clearly and fully the
19 purpose for which the proceeds of the solicitation,
20 contribution, or sale will be used.

21 (5) No person, when soliciting financial contributions
22 or selling or delivering or offering to sell or deliver any
23 merchandise, goods, services, memberships, or
24 advertisements may claim or represent that he or she is
25 representing or acting on behalf of any nongovernmental
26 organization by any name which includes "officer", "peace

1 officer", "police", "law enforcement", "trooper",
2 "sheriff", "deputy", "deputy sheriff", "State police", or
3 any other word or words which would reasonably be
4 understood to imply that the organization is composed of
5 law enforcement personnel unless:

6 (A) the person is actually representing or acting
7 on behalf of the nongovernmental organization;

8 (B) the nongovernmental organization is controlled
9 by and governed by a membership of and represents a
10 group or association of active duty peace officers,
11 retired peace officers, or injured peace officers; and

12 (C) before commencing the solicitation or the sale
13 or the offers to sell any merchandise, goods, services,
14 memberships, or advertisements, a written contract
15 between the soliciting or selling person and the
16 nongovernmental organization, which specifies and
17 states clearly and fully the purposes for which the
18 proceeds of the solicitation, contribution, or sale
19 will be used, has been entered into.

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

1 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:

4 (A) the person is actually representing or acting
5 on behalf of the nongovernmental organization;

6 (B) the nongovernmental organization is controlled
7 by and governed by a membership of and represents a
8 group or association of active duty, retired, or
9 injured fire fighters (for the purposes of this
10 Section, "fire fighter" has the meaning ascribed to
11 that term in Section 2 of the Illinois Fire Protection
12 Training Act) or active duty, retired, or injured
13 emergency medical technicians - ambulance, emergency
14 medical technicians - intermediate, emergency medical
15 technicians - paramedic, ambulance drivers, or other
16 medical assistance or first aid personnel; and

17 (C) before commencing the solicitation or the sale
18 or delivery or the offers to sell or deliver any
19 merchandise, goods, services, memberships, or
20 advertisements, the soliciting or selling person and
21 the nongovernmental organization have entered into a
22 written contract that specifies and states clearly and
23 fully the purposes for which the proceeds of the
24 solicitation, contribution, or sale will be used.

25 (7) No person may knowingly claim or represent that he
26 or she is an airman, airline employee, airport employee, or

1 contractor at an airport in order to obtain the uniform,
2 identification card, license, or other identification
3 paraphernalia of an airman, airline employee, airport
4 employee, or contractor at an airport.

5 (8) No person, firm, copartnership, or corporation
6 (except corporations organized and doing business under
7 the Pawners Societies Act) shall knowingly use a name that
8 contains in it the words "Pawners' Society".

9 (b) False personation; public officials and employees. A
10 person commits a false personation if he or she knowingly and
11 falsely represents himself or herself to be any of the
12 following:

13 (1) An attorney authorized to practice law for purposes
14 of compensation or consideration. This paragraph (b)(1)
15 does not apply to a person who unintentionally fails to pay
16 attorney registration fees established by Supreme Court
17 Rule.

18 (2) A public officer or a public employee or an
19 official or employee of the federal government.

20 (2.3) A public officer, a public employee, or an
21 official or employee of the federal government, and the
22 false representation is made in furtherance of the
23 commission of felony.

24 (2.7) A public officer or a public employee, and the
25 false representation is for the purpose of effectuating
26 identity theft as defined in Section 16-30 of this Code.

1 (3) A peace officer.

2 (4) A peace officer while carrying a deadly weapon.

3 (5) A peace officer in attempting or committing a
4 felony.

5 (6) A peace officer in attempting or committing a
6 forcible felony.

7 (7) The parent, legal guardian, or other relation of a
8 minor child to any public official, public employee, or
9 elementary or secondary school employee or administrator.

10 (7.5) The legal guardian, including any representative
11 of a State or public guardian, of a disabled person
12 appointed under Article XIa of the Probate Act of 1975.

13 (8) A fire fighter.

14 (9) A fire fighter while carrying a deadly weapon.

15 (10) A fire fighter in attempting or committing a
16 felony.

17 (11) An emergency management worker of any
18 jurisdiction in this State.

19 (12) An emergency management worker of any
20 jurisdiction in this State in attempting or committing a
21 felony. For the purposes of this subsection (b), "emergency
22 management worker" has the meaning provided under Section
23 2-6.6 of this Code.

24 (b-5) The trier of fact may infer that a person falsely
25 represents himself or herself to be a public officer or a
26 public employee or an official or employee of the federal

1 government if the person:

2 (1) wears or displays without authority any uniform,
3 badge, insignia, or facsimile thereof by which a public
4 officer or public employee or official or employee of the
5 federal government is lawfully distinguished; or

6 (2) falsely expresses by word or action that he or she
7 is a public officer or public employee or official or
8 employee of the federal government and is acting with
9 approval or authority of a public agency or department.

10 (c) Fraudulent advertisement of a corporate name.

11 (1) A company, association, or individual commits
12 fraudulent advertisement of a corporate name if he, she, or
13 it, not being incorporated, puts forth a sign or
14 advertisement and assumes, for the purpose of soliciting
15 business, a corporate name.

16 (2) Nothing contained in this subsection (c) prohibits
17 a corporation, company, association, or person from using a
18 divisional designation or trade name in conjunction with
19 its corporate name or assumed name under Section 4.05 of
20 the Business Corporation Act of 1983 or, if it is a member
21 of a partnership or joint venture, from doing partnership
22 or joint venture business under the partnership or joint
23 venture name. The name under which the joint venture or
24 partnership does business may differ from the names of the
25 members. Business may not be conducted or transacted under
26 that joint venture or partnership name, however, unless all

1 provisions of the Assumed Business Name Act have been
2 complied with. Nothing in this subsection (c) permits a
3 foreign corporation to do business in this State without
4 complying with all Illinois laws regulating the doing of
5 business by foreign corporations. No foreign corporation
6 may conduct or transact business in this State as a member
7 of a partnership or joint venture that violates any
8 Illinois law regulating or pertaining to the doing of
9 business by foreign corporations in Illinois.

10 (3) The provisions of this subsection (c) do not apply
11 to limited partnerships formed under the Revised Uniform
12 Limited Partnership Act or under the Uniform Limited
13 Partnership Act (2001).

14 (d) False law enforcement badges.

15 (1) A person commits false law enforcement badges if he
16 or she knowingly produces, sells, or distributes a law
17 enforcement badge without the express written consent of
18 the law enforcement agency represented on the badge or, in
19 case of a reorganized or defunct law enforcement agency,
20 its successor law enforcement agency.

21 (2) It is a defense to false law enforcement badges
22 that the law enforcement badge is used or is intended to be
23 used exclusively: (i) as a memento or in a collection or
24 exhibit; (ii) for decorative purposes; or (iii) for a
25 dramatic presentation, such as a theatrical, film, or
26 television production.

1 (e) False medals.

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

11 (2) It is a defense to a prosecution under paragraph
12 (e)(1) that the medal is used, or is intended to be used,
13 exclusively:

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

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

19 (f) Sentence.

20 (1) A violation of paragraph (a)(8) is a petty offense
21 subject to a fine of not less than \$5 nor more than \$100,
22 and the person, firm, copartnership, or corporation
23 commits an additional petty offense for each day he, she,
24 or it continues to commit the violation. A violation of
25 paragraph (c)(1) is a petty offense, and the company,
26 association, or person commits an additional petty offense

1 for each day he, she, or it continues to commit the
2 violation. A violation of subsection (e) is a petty offense
3 for which the offender shall be fined at least \$100 and not
4 more than \$200.

5 (2) A violation of paragraph (a)(1), ~~or~~ (a)(3), or
6 (b)(7.5) is a Class C misdemeanor.

7 (3) A violation of paragraph (a)(2), (a)(2.5), (a)(7),
8 (b)(2), or (b)(7) or subsection (d) is a Class A
9 misdemeanor. A second or subsequent violation of
10 subsection (d) is a Class 3 felony.

11 (4) A violation of paragraph (a)(4), (a)(5), (a)(6),
12 (b)(1), (b)(2.3), (b)(2.7), (b)(3), (b)(8), or (b)(11) is a
13 Class 4 felony.

14 (5) A violation of paragraph (b)(4), (b)(9), or (b)(12)
15 is a Class 3 felony.

16 (6) A violation of paragraph (b)(5) or (b)(10) is a
17 Class 2 felony.

18 (7) A violation of paragraph (b)(6) is a Class 1
19 felony.

20 (g) A violation of subsection (a)(1) through (a)(7) or
21 subsection (e) of this Section may be accomplished in person or
22 by any means of communication, including but not limited to the
23 use of an Internet website or any form of electronic
24 communication.

25 (Source: P.A. 96-328, eff. 8-11-09; 96-1551, eff. 7-1-11;
26 97-219, eff. 1-1-12; 97-597, eff. 1-1-12; incorporates change

1 to Sec. 32-5 from 97-219; 97-1109, eff. 1-1-13.)".