

# HB1474



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

**HB1474**

by Rep. Michael J. Madigan

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/17-5

from Ch. 38, par. 17-5

Amends the Criminal Code of 2012. Makes a technical change in a Section concerning deceptive collection practices.

LRB100 03298 RLC 13303 b

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 2012 is amended by changing  
5 Section 17-5 as follows:

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

7 Sec. 17-5. Deceptive collection practices. A collection  
8 agency as defined in the ~~the~~ Collection Agency Act or any  
9 employee of such collection agency commits a deceptive  
10 collection practice when, with the intent to collect a debt  
11 owed to an individual or a corporation or other entity, he,  
12 she, or it does any of the following:

13 (a) Represents falsely that he or she is an attorney, a  
14 policeman, a sheriff or deputy sheriff, a bailiff, a county  
15 clerk or employee of a county clerk's office, or any other  
16 person who by statute is authorized to enforce the law or any  
17 order of a court.

18 (b) While attempting to collect an alleged debt,  
19 misrepresents to the alleged debtor or to his or her immediate  
20 family the corporate, partnership or proprietary name or other  
21 trade or business name under which the debt collector is  
22 engaging in debt collections and which he, she, or it is  
23 legally authorized to use.

1           (c) While attempting to collect an alleged debt, adds to  
2 the debt any service charge, interest or penalty which he, she,  
3 or it is not entitled by law to add.

4           (d) Threatens to ruin, destroy, or otherwise adversely  
5 affect an alleged debtor's credit rating unless, at the same  
6 time, a disclosure is made in accordance with federal law that  
7 the alleged debtor has a right to inspect his or her credit  
8 rating.

9           (e) Accepts from an alleged debtor a payment which he, she,  
10 or it knows is not owed.

11           Sentence. The commission of a deceptive collection  
12 practice is a Business Offense punishable by a fine not to  
13 exceed \$3,000.

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