

HB6230



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB6230

by Rep. Arthur Turner

SYNOPSIS AS INTRODUCED:

720 ILCS 5/17-2

from Ch. 38, par. 17-2

Amends the Criminal Code of 1961. Provides that a person who knowingly and falsely represents himself or herself to be an elected official is guilty of a Class 4 felony (rather than a Class A misdemeanor).

LRB097 21998 RLC 70722 b

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 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
17 charitable, public safety personnel, or veterans'
18 organization. "Public safety personnel organization" has
19 the meaning ascribed to that term in Section 1 of the
20 Solicitation for Charity Act.

21 (2) A person commits a false personation when he or she
22 knowingly and falsely represents himself or herself to be a
23 veteran in seeking employment or public office. In this

1 paragraph, "veteran" means a person who has served in the
2 Armed Services or Reserve Forces of the United States.

3 (2.5) A person commits a false personation when he or
4 she knowingly and falsely represents himself or herself to
5 be:

6 (A) another actual person and does an act in such
7 assumed character with intent to intimidate, threaten,
8 injure, defraud, or to obtain a benefit from another;
9 or

10 (B) a representative of an actual person or
11 organization and does an act in such false capacity
12 with intent to obtain a benefit or to injure or defraud
13 another.

14 (3) No person shall knowingly use the words "Police",
15 "Police Department", "Patrolman", "Sergeant",
16 "Lieutenant", "Peace Officer", "Sheriff's Police",
17 "Sheriff", "Officer", "Law Enforcement", "Trooper",
18 "Deputy", "Deputy Sheriff", "State Police", or any other
19 words to the same effect (i) in the title of any
20 organization, magazine, or other publication without the
21 express approval of the named public safety personnel
22 organization's governing board or (ii) in combination with
23 the name of any state, state agency, public university, or
24 unit of local government without the express written
25 authorization of that state, state agency, public
26 university, or unit of local government.

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

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

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

1 (B) the nongovernmental organization is controlled
2 by and governed by a membership of and represents a
3 group or association of active duty peace officers,
4 retired peace officers, or injured peace officers; and

5 (C) before commencing the solicitation or the sale
6 or the offers to sell any merchandise, goods, services,
7 memberships, or advertisements, a written contract
8 between the soliciting or selling person and the
9 nongovernmental organization, which specifies and
10 states clearly and fully the purposes for which the
11 proceeds of the solicitation, contribution, or sale
12 will be used, has been entered into.

13 (6) No person, when soliciting financial contributions
14 or selling or delivering or offering to sell or deliver any
15 merchandise, goods, services, memberships, or
16 advertisements, may knowingly claim or represent that he or
17 she is representing or acting on behalf of any
18 nongovernmental organization by any name which includes
19 the term "fireman", "fire fighter", "paramedic", or any
20 other word or words which would reasonably be understood to
21 imply that the organization is composed of fire fighter or
22 paramedic personnel unless:

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

25 (B) the nongovernmental organization is controlled
26 by and governed by a membership of and represents a

1 group or association of active duty, retired, or
2 injured fire fighters (for the purposes of this
3 Section, "fire fighter" has the meaning ascribed to
4 that term in Section 2 of the Illinois Fire Protection
5 Training Act) or active duty, retired, or injured
6 emergency medical technicians - ambulance, emergency
7 medical technicians - intermediate, emergency medical
8 technicians - paramedic, ambulance drivers, or other
9 medical assistance or first aid personnel; and

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

18 (7) No person may knowingly claim or represent that he
19 or she is an airman, airline employee, airport employee, or
20 contractor at an airport in order to obtain the uniform,
21 identification card, license, or other identification
22 paraphernalia of an airman, airline employee, airport
23 employee, or contractor at an airport.

24 (8) No person, firm, copartnership, or corporation
25 (except corporations organized and doing business under
26 the Pawnors Societies Act) shall knowingly use a name that

1 contains in it the words "Pawners' Society".

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

6 (1) An attorney authorized to practice law for purposes
7 of compensation or consideration. This paragraph (b)(1)
8 does not apply to a person who unintentionally fails to pay
9 attorney registration fees established by Supreme Court
10 Rule.

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

13 (2.3) A public officer, a public employee, or an
14 official or employee of the federal government, and the
15 false representation is made in furtherance of the
16 commission of felony.

17 (2.7) A public officer or a public employee, and the
18 false representation is for the purpose of effectuating
19 identity theft as defined in Section 16-30 of this Code.

20 (3) A peace officer.

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

22 (5) A peace officer in attempting or committing a
23 felony.

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

26 (7) The parent, legal guardian, or other relation of a

1 minor child to any public official, public employee, or
2 elementary or secondary school employee or administrator.

3 (8) A fire fighter.

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

5 (10) A fire fighter in attempting or committing a
6 felony.

7 (11) An emergency management worker of any
8 jurisdiction in this State.

9 (12) An emergency management worker of any
10 jurisdiction in this State in attempting or committing a
11 felony. For the purposes of this subsection (b), "emergency
12 management worker" has the meaning provided under Section
13 2-6.6 of this Code.

14 (b-5) The trier of fact may infer that a person falsely
15 represents himself or herself to be a public officer or a
16 public employee or an official or employee of the federal
17 government if the person:

18 (1) wears or displays without authority any uniform,
19 badge, insignia, or facsimile thereof by which a public
20 officer or public employee or official or employee of the
21 federal government is lawfully distinguished; or

22 (2) falsely expresses by word or action that he or she
23 is a public officer or public employee or official or
24 employee of the federal government and is acting with
25 approval or authority of a public agency or department.

26 (c) Fraudulent advertisement of a corporate name.

1 (1) A company, association, or individual commits
2 fraudulent advertisement of a corporate name if he, she, or
3 it, not being incorporated, puts forth a sign or
4 advertisement and assumes, for the purpose of soliciting
5 business, a corporate name.

6 (2) Nothing contained in this subsection (c) prohibits
7 a corporation, company, association, or person from using a
8 divisional designation or trade name in conjunction with
9 its corporate name or assumed name under Section 4.05 of
10 the Business Corporation Act of 1983 or, if it is a member
11 of a partnership or joint venture, from doing partnership
12 or joint venture business under the partnership or joint
13 venture name. The name under which the joint venture or
14 partnership does business may differ from the names of the
15 members. Business may not be conducted or transacted under
16 that joint venture or partnership name, however, unless all
17 provisions of the Assumed Business Name Act have been
18 complied with. Nothing in this subsection (c) permits a
19 foreign corporation to do business in this State without
20 complying with all Illinois laws regulating the doing of
21 business by foreign corporations. No foreign corporation
22 may conduct or transact business in this State as a member
23 of a partnership or joint venture that violates any
24 Illinois law regulating or pertaining to the doing of
25 business by foreign corporations in Illinois.

26 (3) The provisions of this subsection (c) do not apply

1 to limited partnerships formed under the Revised Uniform
2 Limited Partnership Act or under the Uniform Limited
3 Partnership Act (2001).

4 (d) False law enforcement badges.

5 (1) A person commits false law enforcement badges if he
6 or she knowingly produces, sells, or distributes a law
7 enforcement badge without the express written consent of
8 the law enforcement agency represented on the badge or, in
9 case of a reorganized or defunct law enforcement agency,
10 its successor law enforcement agency.

11 (2) It is a defense to false law enforcement badges
12 that the law enforcement badge is used or is intended to be
13 used exclusively: (i) as a memento or in a collection or
14 exhibit; (ii) for decorative purposes; or (iii) for a
15 dramatic presentation, such as a theatrical, film, or
16 television production.

17 (e) False medals.

18 (1) A person commits a false personation if he or she
19 knowingly and falsely represents himself or herself to be a
20 recipient of, or wears on his or her person, any of the
21 following medals if that medal was not awarded to that
22 person by the United States Government, irrespective of
23 branch of service: The Congressional Medal of Honor, The
24 Distinguished Service Cross, The Navy Cross, The Air Force
25 Cross, The Silver Star, The Bronze Star, or the Purple
26 Heart.

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

4 (A) for a dramatic presentation, such as a
5 theatrical, film, or television production, or a
6 historical re-enactment; or

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

9 (f) Sentence.

10 (1) A violation of paragraph (a)(8) is a petty offense
11 subject to a fine of not less than \$5 nor more than \$100,
12 and the person, firm, copartnership, or corporation
13 commits an additional petty offense for each day he, she,
14 or it continues to commit the violation. A violation of
15 paragraph (c)(1) is a petty offense, and the company,
16 association, or person commits an additional petty offense
17 for each day he, she, or it continues to commit the
18 violation. A violation of subsection (e) is a petty offense
19 for which the offender shall be fined at least \$100 and not
20 more than \$200.

21 (2) A violation of paragraph (a)(1) or (a)(3) is a
22 Class C misdemeanor.

23 (3) A violation of paragraph (a)(2), (a)(2.5), (a)(7),
24 ~~(b)(2)~~, or (b)(7) or subsection (d) is a Class A
25 misdemeanor. A second or subsequent violation of
26 subsection (d) is a Class 3 felony.

1 (3.1) Except as otherwise provided in paragraph
2 (f)(3.2), a violation of paragraph (b)(2) is a Class A
3 misdemeanor.

4 (3.2) If the public officer is an elected official, a
5 violation of paragraph (b)(2) is a Class 4 felony.

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

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

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

13 (7) A violation of paragraph (b)(6) is a Class 1
14 felony.

15 (g) A violation of subsection (a)(1) through (a)(7) or
16 subsection (e) of this Section may be accomplished in person or
17 by any means of communication, including but not limited to the
18 use of an Internet website or any form of electronic
19 communication.

20 (Source: P.A. 96-328, eff. 8-11-09; 96-1551, eff. 7-1-11;
21 97-219, eff. 1-1-12; 97-597, eff. 1-1-12; incorporates change
22 to Sec. 32-5 from 97-219; 97-1109, eff. 1-1-13.)