

1 AN ACT concerning charities.

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

4 Section 5. The Solicitation for Charity Act is amended  
5 by changing Section 1 as follows:

6 (225 ILCS 460/1) (from Ch. 23, par. 5101)

7 Sec. 1. The following words and phrases as used in this  
8 Act shall have the following meanings unless a different  
9 meaning is required by the context.

10 (a) "Charitable organization." Any benevolent,  
11 philanthropic, patriotic, or eleemosynary person or one  
12 purporting to be such which solicits and collects funds for  
13 charitable purposes and includes each local, county, or area  
14 division within this State of such charitable organization,  
15 provided such local, county or area division has authority  
16 and discretion to disburse funds or property otherwise than  
17 by transfer to any parent organization.

18 (b) "Contribution." The promise or grant of any money or  
19 property of any kind or value, including the promise to pay,  
20 except payments by union members of an organization.  
21 Reference to the dollar amount of "contributions" in this Act  
22 means in the case of promises to pay, or payments for  
23 merchandise or rights of any other description, the value of  
24 the total amount promised to be paid or paid for such  
25 merchandise or rights and not merely that portion of the  
26 purchase price to be applied to a charitable purpose.  
27 Contribution shall not include (1) the proceeds from the sale  
28 of admission tickets by any not-for-profit music or dramatic  
29 arts organization which establishes, by such proof as the  
30 Attorney General may require, that it has received an  
31 exemption under Section 501(c)(3) of the Internal Revenue

1 Code and which is organized and operated for the presentation  
2 of live public performances of musical or theatrical works on  
3 a regular basis or (2) money or property for which the payor  
4 would not be entitled to a deduction for a contribution to an  
5 organization qualified under Section 501(c)(3) of the  
6 Internal Revenue Code. For purposes of this subsection, union  
7 member dues and donated services shall not be deemed  
8 contributions.

9 (c) "Person." Any individual, organization, group,  
10 association, partnership, corporation, trust or any  
11 combination of them.

12 (d) "Professional fund raiser." Any person who for  
13 compensation or other consideration, conducts, manages, or  
14 carries on any solicitation drive or campaign in this State  
15 or from this State or on behalf of a charitable organization  
16 residing within this State for the purpose of soliciting  
17 contributions for or on behalf of any charitable organization  
18 or any other person, or who engages in the business of, or  
19 holds himself out to persons in this State as independently  
20 engaged in the business of soliciting contributions for such  
21 purposes. A bona fide director, officer, employee or unpaid  
22 volunteer of a charitable organization shall not be deemed a  
23 professional fund raiser unless the person is in a management  
24 position and the majority of the individual's salary or other  
25 compensation is computed on a percentage basis of funds to be  
26 raised, or actually raised.

27 (e) "Professional fund raising consultant." Any person  
28 who is retained by a charitable organization or trustee for a  
29 fixed fee or rate that is not computed on a percentage of  
30 funds to be raised, or actually raised, under a written  
31 agreement, to only plan, advise, consult, or prepare  
32 materials for a solicitation of contributions in this State,  
33 but who does not manage, conduct or carry on a fundraising  
34 campaign and who does not solicit contributions or employ,

1 procure, or engage any compensated person to solicit  
2 contributions and who does not at any time have custody or  
3 control of contributions. A volunteer, employee or salaried  
4 officer of a charitable organization or trustee maintaining a  
5 permanent establishment or office in this State is not a  
6 professional fundraising consultant. An attorney, investment  
7 counselor, or banker who advises an individual, corporation  
8 or association to make a charitable contribution is not a  
9 professional fundraising consultant as a result of the  
10 advice.

11 (f) "Charitable purpose." Any charitable, benevolent,  
12 philanthropic, patriotic, or eleemosynary purpose.

13 (g) "Charitable Trust" means any relationship whereby  
14 property is held by a person for a charitable purpose.

15 (h) "Education Program Service" means any activity which  
16 provides information to the public of a nature that is not  
17 commonly known or facts which are not universally regarded as  
18 obvious or as established by common understanding and which  
19 informs the public of what it can or should do about a  
20 particular issue.

21 (i) "Primary Program Service" means the program service  
22 upon which an organization spends more than 50% of its  
23 program service funds or the program activity which  
24 represents the largest expenditure of funds in the fiscal  
25 period.

26 (j) "Professional solicitor" means any natural person  
27 who is employed or retained for compensation by a  
28 professional fund raiser to solicit contributions for  
29 charitable purposes from persons in this State or from this  
30 State or on behalf of a charitable organization residing  
31 within this State.

32 (k) "Program Service Activity" means the actual  
33 charitable program activities of a charitable organization  
34 for which it expends its resources.

1           (1) "Program Service Expense" means the expenses of  
2 charitable program activity and not management expenses or  
3 fund raising expenses. In determining Program Service  
4 Expense, management and fund raising expenses may not be  
5 included.

6           (m) "Public Safety Personnel Organization" means any  
7 person who uses any of the words "officer", "police",  
8 "policeman", "policemen", "troopers", "sheriff", "law  
9 enforcement", "fireman", "firemen", "paramedic", or similar  
10 words in its name or in conjunction with solicitations, or in  
11 the title or name of a magazine, newspaper, periodical,  
12 advertisement book, or any other medium of electronic or  
13 print publication, and is not a governmental entity. No  
14 organization may be a Public Safety Personnel Organization  
15 unless 80% or more of its voting members or trustees are  
16 active, retired, or disabled police officers, peace officers,  
17 firemen, fire fighters, emergency medical technicians -  
18 ambulance, emergency medical technicians - intermediate,  
19 emergency medical technicians - paramedic, ambulance drivers,  
20 or other medical assistance or first aid personnel.

21           (m-5) "Public Safety Personnel" includes police  
22 officers, peace officers, firemen, fire fighters, emergency  
23 medical technicians - ambulance, emergency medical  
24 technicians - intermediate, emergency medical technicians -  
25 paramedic, ambulance drivers, and other medical assistance or  
26 first aid personnel.

27           (n) "Trustee" means any person, individual, group of  
28 individuals, association, corporation, not for profit  
29 corporation, or other legal entity holding property for or  
30 solicited for any charitable purpose; or any officer,  
31 director, executive director or other controlling persons of  
32 a corporation soliciting or holding property for a charitable  
33 purpose.

34           (Source: P.A. 91-301, eff. 7-29-99.)