



Rep. Jaime M. Andrade, Jr.

Filed: 3/16/2021

10200HB3731ham001

LRB102 15054 RJF 22760 a

1 AMENDMENT TO HOUSE BILL 3731

2 AMENDMENT NO. _____. Amend House Bill 3731 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
10 she knowingly and falsely represents himself or herself to
11 be a member or representative of any veterans' or public
12 safety 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
15 insignia of any charitable, public safety personnel, or
16 veterans' 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
6 she knowingly and falsely represents himself or herself to
7 be a veteran in seeking employment or public office. In
8 this paragraph, "veteran" means a person who has served in
9 the Armed Services or Reserve Forces of the United States.

10 (2.1) A person commits a false personation when he or
11 she knowingly and falsely represents himself or herself to
12 be:

13 (A) an active-duty member of the Armed Services or
14 Reserve Forces of the United States or the National
15 Guard or a veteran of the Armed Services or Reserve
16 Forces of the United States or the National Guard; and

17 (B) obtains money, property, or another tangible
18 benefit through that false representation.

19 In this paragraph, "member of the Armed Services or
20 Reserve Forces of the United States" means a member of the
21 United States Navy, Army, Air Force, Marine Corps, or
22 Coast Guard; and "veteran" means a person who has served
23 in the Armed Services or Reserve Forces of the United
24 States or the National Guard.

25 (2.5) A person commits a false personation when he or
26 she knowingly and falsely represents himself or herself to

1 be:

2 (A) another actual person and does an act in such
3 assumed character with intent to intimidate, threaten,
4 injure, defraud, or to obtain a benefit from another;
5 or

6 (B) a representative of an actual person or
7 organization and does an act in such false capacity
8 with intent to obtain a benefit or to injure or defraud
9 another.

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

23 (4) No person may knowingly claim or represent that he
24 or she is acting on behalf of any public safety personnel
25 organization when soliciting financial contributions or
26 selling or delivering or offering to sell or deliver any

1 merchandise, goods, services, memberships, or
2 advertisements unless the chief of the police department,
3 fire department, and the corporate or municipal authority
4 thereof, or the sheriff has first entered into a written
5 agreement with the person or with an organization with
6 which the person is affiliated and the agreement permits
7 the activity and specifies and states clearly and fully
8 the purpose for which the proceeds of the solicitation,
9 contribution, or sale will be used.

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

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

23 (B) the nongovernmental organization is controlled
24 by and governed by a membership of and represents a
25 group or association of active duty peace officers,
26 retired peace officers, or injured peace officers; and

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

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

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

21 (B) the nongovernmental organization is controlled
22 by and governed by a membership of and represents a
23 group or association of active duty, retired, or
24 injured fire fighters (for the purposes of this
25 Section, "fire fighter" has the meaning ascribed to
26 that term in Section 2 of the Illinois Fire Protection

1 Training Act) or active duty, retired, or injured
2 emergency medical technicians - ambulance, emergency
3 medical technicians - intermediate, emergency medical
4 technicians - paramedic, ambulance drivers, or other
5 medical assistance or first aid personnel; and

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

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

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

24 (b) False personation; public officials and employees. A
25 person commits a false personation if he or she knowingly and
26 falsely represents himself or herself to be any of the

1 following:

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

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

9 (2.3) A public officer, a public employee, or an
10 official or employee of the federal government, and the
11 false representation is made in furtherance of the
12 commission of felony.

13 (2.5) A public officer or a public employee in
14 establishing or operating a social media or email account
15 and the person falsely represents himself or herself as
16 being a public officer or public employee on such account.

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 (7.5) The legal guardian, including any representative
4 of a State or public guardian, of a person with a
5 disability appointed under Article XIa of the Probate Act
6 of 1975.

7 (8) A fire fighter.

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

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

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

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

18 (b-5) The trier of fact may infer that a person falsely
19 represents himself or herself to be a public officer or a
20 public employee or an official or employee of the federal
21 government if the person:

22 (1) wears or displays without authority any uniform,
23 badge, insignia, or facsimile thereof by which a public
24 officer or public employee or official or employee of the
25 federal government is lawfully distinguished; or

26 (2) falsely expresses by word or action that he or she

1 is a public officer or public employee or official or
2 employee of the federal government and is acting with
3 approval or authority of a public agency or department.

4 (c) Fraudulent advertisement of a corporate name.

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

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

1 of a partnership or joint venture that violates any
2 Illinois law regulating or pertaining to the doing of
3 business by foreign corporations in Illinois.

4 (3) The provisions of this subsection (c) do not apply
5 to limited partnerships formed under the Revised Uniform
6 Limited Partnership Act or under the Uniform Limited
7 Partnership Act (2001).

8 (d) False law enforcement badges.

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

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

21 (e) False medals.

22 (1) A person commits a false personation if he or she
23 knowingly and falsely represents himself or herself to be
24 a recipient of, or wears on his or her person, any of the
25 following medals if that medal was not awarded to that
26 person by the United States Government, irrespective of

1 branch of service: The Congressional Medal of Honor, The
2 Distinguished Service Cross, The Navy Cross, The Air Force
3 Cross, The Silver Star, The Bronze Star, or the Purple
4 Heart.

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

8 (A) for a dramatic presentation, such as a
9 theatrical, film, or television production, or a
10 historical re-enactment; or

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

13 (f) Sentence.

14 (1) A violation of paragraph (a)(8) is a petty offense
15 subject to a fine of not less than \$5 nor more than \$100,
16 and the person, firm, copartnership, or corporation
17 commits an additional petty offense for each day he, she,
18 or it continues to commit the violation. A violation of
19 paragraph (c)(1) is a petty offense, and the company,
20 association, or person commits an additional petty offense
21 for each day he, she, or it continues to commit the
22 violation. A violation of paragraph (a)(2.1) or subsection
23 (e) is a petty offense for which the offender shall be
24 fined at least \$100 and not more than \$200.

25 (2) A violation of paragraph (a)(1), (a)(3), or
26 (b)(7.5) is a Class C misdemeanor.

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

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

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

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

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

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

19 (Source: P.A. 99-143, eff. 7-27-15; 99-561, eff. 7-15-16;
20 100-201, eff. 8-18-17.)

21 Section 10. The Consumer Fraud and Deceptive Business
22 Practices Act is amended by adding Section 13 as follows:

23 (815 ILCS 505/13 new)

24 Sec. 13. Social media consumer identity protection.

1 Notwithstanding any provision of law to the contrary, any
2 social media or email service provider offering services to
3 persons residing in this State shall, in operating its
4 services, ensure the identity security of the social media and
5 Internet presence of State elected officials and State
6 agencies, and shall reserve the use of State government online
7 accounts, whether social media or email, for use only by State
8 officials, State agencies, and employees thereof, to prevent
9 false personation. Additionally, service providers subject to
10 the requirements of this Section must offer elected officials
11 and State agencies the opportunity to claim accounts and
12 usernames for official use or lock such accounts and usernames
13 to prevent false personation. Failure to comply with the
14 requirements of this Section shall constitute an unlawful
15 practice within the meaning of this Act. For the purposes of
16 this Section, "false personation" has the same meaning as
17 provided under Section 17-2 of the Criminal Code of 2012."