

HB3732



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3732

Introduced 2/22/2021, by Rep. Jaime M. Andrade, Jr.

SYNOPSIS AS INTRODUCED:

720 ILCS 5/17-2

from Ch. 38, par. 17-2

Amends the Criminal Code of 2012. Provides that a person commits a false personation if he or she knowingly and falsely creates and uses with intent to deceive, a social networking account or email service account using the official title of a public officer or government agency. Provides penalties for a violation.

LRB102 15055 KMF 20410 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
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
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
22 she knowingly and falsely represents himself or herself to
23 be a veteran in seeking employment or public office. In

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

3 (2.1) A person commits a false personation when he or
4 she knowingly and falsely represents himself or herself to
5 be:

6 (A) an active-duty member of the Armed Services or
7 Reserve Forces of the United States or the National
8 Guard or a veteran of the Armed Services or Reserve
9 Forces of the United States or the National Guard; and

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

12 In this paragraph, "member of the Armed Services or
13 Reserve Forces of the United States" means a member of the
14 United States Navy, Army, Air Force, Marine Corps, or
15 Coast Guard; and "veteran" means a person who has served
16 in the Armed Services or Reserve Forces of the United
17 States or the National Guard.

18 (2.5) A person commits a false personation when he or
19 she knowingly and falsely represents himself or herself to
20 be:

21 (A) another actual person and does an act in such
22 assumed character with intent to intimidate, threaten,
23 injure, defraud, or to obtain a benefit from another;
24 or

25 (B) a representative of an actual person or
26 organization and does an act in such false capacity

1 with intent to obtain a benefit or to injure or defraud
2 another.

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

16 (4) No person may knowingly claim or represent that he
17 or she is acting on behalf of any public safety personnel
18 organization when soliciting financial contributions or
19 selling or delivering or offering to sell or deliver any
20 merchandise, goods, services, memberships, or
21 advertisements unless the chief of the police department,
22 fire department, and the corporate or municipal authority
23 thereof, or the sheriff has first entered into a written
24 agreement with the person or with an organization with
25 which the person is affiliated and the agreement permits
26 the activity and specifies and states clearly and fully

1 the purpose for which the proceeds of the solicitation,
2 contribution, or sale will be used.

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

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

16 (B) the nongovernmental organization is controlled
17 by and governed by a membership of and represents a
18 group or association of active duty peace officers,
19 retired peace officers, or injured peace officers; and

20 (C) before commencing the solicitation or the sale
21 or the offers to sell any merchandise, goods,
22 services, memberships, or advertisements, a written
23 contract between the soliciting or selling person and
24 the nongovernmental organization, which specifies and
25 states clearly and fully the purposes for which the
26 proceeds of the solicitation, contribution, or sale

1 will be used, has been entered into.

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

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

14 (B) the nongovernmental organization is controlled
15 by and governed by a membership of and represents a
16 group or association of active duty, retired, or
17 injured fire fighters (for the purposes of this
18 Section, "fire fighter" has the meaning ascribed to
19 that term in Section 2 of the Illinois Fire Protection
20 Training Act) or active duty, retired, or injured
21 emergency medical technicians - ambulance, emergency
22 medical technicians - intermediate, emergency medical
23 technicians - paramedic, ambulance drivers, or other
24 medical assistance or first aid personnel; and

25 (C) before commencing the solicitation or the sale
26 or delivery or the offers to sell or deliver any

1 merchandise, goods, services, memberships, or
2 advertisements, the soliciting or selling person and
3 the nongovernmental organization have entered into a
4 written contract that specifies and states clearly and
5 fully the purposes for which the proceeds of the
6 solicitation, contribution, or sale will be used.

7 (7) No person may knowingly claim or represent that he
8 or she is an airman, airline employee, airport employee,
9 or contractor at an airport in order to obtain the
10 uniform, identification card, license, or other
11 identification paraphernalia of an airman, airline
12 employee, airport employee, or contractor at an airport.

13 (8) No person, firm, copartnership, or corporation
14 (except corporations organized and doing business under
15 the Pawnners Societies Act) shall knowingly use a name that
16 contains in it the words "Pawnners' Society".

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

21 (1) An attorney authorized to practice law for
22 purposes of compensation or consideration. This paragraph

23 (b)(1) does not apply to a person who unintentionally
24 fails to pay attorney registration fees established by
25 Supreme Court Rule.

26 (2) A public officer or a public employee or an

1 official or employee of the federal government.

2 (2.3) A public officer, a public employee, or an
3 official or employee of the federal government, and the
4 false representation is made in furtherance of the
5 commission of felony.

6 (2.7) A public officer or a public employee, and the
7 false representation is for the purpose of effectuating
8 identity theft as defined in Section 16-30 of this Code.

9 (3) A peace officer.

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

11 (5) A peace officer in attempting or committing a
12 felony.

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

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

18 (7.5) The legal guardian, including any representative
19 of a State or public guardian, of a person with a
20 disability appointed under Article XIa of the Probate Act
21 of 1975.

22 (8) A fire fighter.

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

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

26 (11) An emergency management worker of any

1 jurisdiction in this State.

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

7 (b-3) A person commits a false personation if he or she
8 knowingly and falsely creates and uses with intent to deceive,
9 a social networking account or email service account using the
10 official title of a public officer or government agency.

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

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

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

23 (c) Fraudulent advertisement of a corporate name.

24 (1) A company, association, or individual commits
25 fraudulent advertisement of a corporate name if he, she,
26 or it, not being incorporated, puts forth a sign or

1 advertisement and assumes, for the purpose of soliciting
2 business, a corporate name.

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

23 (3) The provisions of this subsection (c) do not apply
24 to limited partnerships formed under the Revised Uniform
25 Limited Partnership Act or under the Uniform Limited
26 Partnership Act (2001).

1 (d) False law enforcement badges.

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

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

14 (e) False medals.

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

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

1 (A) for a dramatic presentation, such as a
2 theatrical, film, or television production, or a
3 historical re-enactment; or

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

6 (f) Sentence.

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

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

20 (3) A violation of paragraph (a) (2), (a) (2.5), (a) (7),
21 (b) (2), or (b) (7), or subsection (b-3) or subsection (d)
22 is a Class A misdemeanor. A second or subsequent violation
23 of subsection (d) is a Class 3 felony.

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

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

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

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

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

12 (h) In addition to any other penalty which may be provided
13 by law, a violation of subsection (b-3) shall include the
14 immediate suspension of the violator's activities and
15 termination of the account giving rise to the false
16 personation.

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