



Sen. Steve Stadelman

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1 AMENDMENT TO SENATE BILL 766

2 AMENDMENT NO. _____. Amend Senate Bill 766 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 (2.6) A person commits a false personation when he or
11 she knowingly sends a communication by electronic mail,
12 instant message, or other similar means if the
13 communication references personal identifying information
14 of another person and the person sends the communication
15 without the other person's consent and with the intent to
16 cause a recipient of the communication to reasonably
17 believe that the person authorized or sent the
18 communication with the intent to cause physical,
19 emotional, or economic injury or damage or to defraud
20 another person.

21 (2.7) A person commits a false personation when he or
22 she uses the name or persona of another person without the
23 person's consent:

24 (A) to create a web page on a commercial social
25 networking website or other website; or to post or
26 send a message on or through a commercial social

1 networking website or other website, other than on or
2 through an electronic mail program or message board
3 program; and

4 (B) with the intent to cause a person to
5 reasonably believe that the person whose name or
6 persona is used authorized or performed the applicable
7 action described in subparagraph (A); and

8 (C) with the intent to harm, defraud, intimidate,
9 or threaten any person.

10 As used in this paragraph (2.7), "commercial social
11 networking website" means a website that allows a person
12 to register as a user for the purpose of: (i) establishing
13 a personal relationship with one or more other users
14 through direct or real time communication with the other
15 user; or (ii) creating web pages or profiles available to
16 the public or to other users. "Commercial social
17 networking website" does not include an electronic mail
18 program or a message board program.

19 It is a defense to prosecution under this paragraph
20 (2.7) that the person is one of the following entities or
21 that the person's conduct consisted solely of action taken
22 as an employee of one of the following entities:

23 (i) a commercial social networking website;

24 (ii) an interactive computer service, as defined
25 in 47 U.S.C. 230;

26 (iii) an Internet service provider;

1 (iv) a cable service as defined in 47 U.S.C.
2 522(6);
3 (v) a cable system as defined in 47 U.S.C. 522(7);
4 (vi) an entity that provides cable service; or
5 (vii) a law enforcement agency engaged in lawful
6 practices.

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

20 (4) No person may knowingly claim or represent that he
21 or she is acting on behalf of any public safety personnel
22 organization when soliciting financial contributions or
23 selling or delivering or offering to sell or deliver any
24 merchandise, goods, services, memberships, or
25 advertisements unless the chief of the police department,
26 fire department, and the corporate or municipal authority

1 thereof, or the sheriff has first entered into a written
2 agreement with the person or with an organization with
3 which the person is affiliated and the agreement permits
4 the activity and specifies and states clearly and fully
5 the purpose for which the proceeds of the solicitation,
6 contribution, or sale will be used.

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

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

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

24 (C) before commencing the solicitation or the sale
25 or the offers to sell any merchandise, goods,
26 services, memberships, or advertisements, a written

1 contract between the soliciting or selling person and
2 the nongovernmental organization, which specifies and
3 states clearly and fully the purposes for which the
4 proceeds of the solicitation, contribution, or sale
5 will be used, has been entered into.

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

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

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

1 technicians - paramedic, ambulance drivers, or other
2 medical assistance or first aid personnel; and

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

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

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

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

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

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

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

6 (2.3) A public officer, a public employee, or an
7 official or employee of the federal government, and the
8 false representation is made in furtherance of the
9 commission of felony.

10 (2.7) A public officer or a public employee, and the
11 false representation is for the purpose of effectuating
12 identity theft as defined in Section 16-30 of this Code.

13 (3) A peace officer.

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

15 (5) A peace officer in attempting or committing a
16 felony.

17 (6) A peace officer in attempting or committing a
18 forcible felony.

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

22 (7.5) The legal guardian, including any representative
23 of a State or public guardian, of a person with a
24 disability appointed under Article XIa of the Probate Act
25 of 1975.

26 (8) A fire fighter.

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

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

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

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

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 (2.1) A violation of paragraph (a) (2.6) is a Class B
21 misdemeanor. A second or subsequent violation of paragraph
22 (a) (2.6) is a Class A misdemeanor.

23 (3) A violation of paragraph (a) (2), (a) (2.5),
24 (a) (2.7), (a) (7), (b) (2), or (b) (7) or subsection (d) is a
25 Class A misdemeanor. A second or subsequent violation of
26 paragraph (a) (2.7) is a Class 4 felony. A second or

1 subsequent violation of subsection (d) is a Class 3
2 felony.

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

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

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

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

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

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