



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB1309

Introduced 2/18/2009, by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

225 ILCS 460/2

from Ch. 23, par. 5102

Amends the Solicitation for Charity Act. Provides that in all subsequent instances after the first instance where re-registration and late registration are allowed, any re-registration and late registration must require that the new registration materials be filed along with a penalty registration fee of \$200 (now, penalty registration fee is required on the first instance). Provides that the court may impose a civil penalty of not less than \$500 nor more than \$1,000 against the organization or trust estate that, for a second or subsequent time, has failed to register or failed to maintain a registration required under this Act (now, may impose a civil penalty for first failure under the Section).

LRB096 09659 ASK 19820 b

1 AN ACT concerning regulation.

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 by
5 changing Section 2 as follows:

6 (225 ILCS 460/2) (from Ch. 23, par. 5102)

7 Sec. 2. Registration; rules; penalties.

8 (a) Every charitable organization, except as otherwise
9 provided in Section 3 of this Act, which solicits or intends to
10 solicit contributions from persons in this State or which is
11 located in this State, by any means whatsoever shall, prior to
12 any solicitation, file with the Attorney General upon forms
13 prescribed by him, a registration statement, accompanied by a
14 registration fee of \$15, which statement shall include the
15 following certified information:

16 1. The name of the organization and the name or names
17 under which it intends to solicit contributions.

18 2. The names and addresses of the officers, directors,
19 trustees, and chief executive officer of the organization.

20 3. The addresses of the organization and the addresses
21 of any offices in this State. If the organization does not
22 maintain a principal office, the name and address of the
23 person having custody of its financial records.

1 4. Where and when the organization was legally
2 established, the form of its organization and its tax
3 exempt status.

4 5. The purpose for which the organization is organized
5 and the purpose or purposes for which the contributions to
6 be solicited will be used.

7 6. The date on which the fiscal year of the
8 organization ends.

9 7. Whether the organization is authorized by any other
10 governmental authority to solicit contributions and
11 whether it is or has ever been enjoined by any court from
12 soliciting contributions.

13 8. The names and addresses of any professional fund
14 raisers who are acting or have agreed to act on behalf of
15 the organization.

16 9. Methods by which solicitation will be made.

17 10. Copies of contracts between charitable
18 organizations and professional fund raisers relating to
19 financial compensation or profit to be derived by the
20 professional fund raisers. Where any such contract is
21 executed after filing of registration statement, a copy
22 thereof shall be filed within 10 days of the date of
23 execution.

24 11. Board, group, or individual having final
25 discretion as to the distribution and use of contributions
26 received.

1 (b) The registration statement shall be signed by the
2 president or other authorized officer and the chief fiscal
3 officer of the organization.

4 (c) Such registration shall remain in effect unless it is
5 either cancelled as provided in this Act or withdrawn by the
6 organization.

7 (d) Every registered organization shall notify the
8 Attorney General within 10 days of any change in the
9 information required to be furnished by such organization under
10 paragraphs 1 through 11 of subdivision (a) of this Section.

11 (e) In no event shall a registration of a charitable
12 organization continue, or be continued, in effect after the
13 date such organization should have filed, but failed to file,
14 an annual report in accordance with the requirements of Section
15 4 of this Act, and such organization shall not be eligible to
16 file a new registration until it shall have filed the required
17 annual report with the Attorney General. If such report is
18 subsequently filed and accepted by the Attorney General such
19 organization may file a new registration. If a person, trustee,
20 or organization fails to timely register or maintain a
21 registration of a trust or organization as required by this Act
22 or if its registration is cancelled as provided in this Act,
23 and if that trust or organization remains in existence and by
24 law is required to be registered, in order to re-register or
25 file a late registration a current registration statement must
26 be filed accompanied by financial reports in the form required

1 herein for all past years. In all instances where
2 re-registration and late registration are allowed, the new
3 registration materials must be filed. 7 In all subsequent
4 instances after the first instance where re-registration and
5 late registration are allowed, any re-registration and late
6 registration must require that the new registration materials
7 be filed along with ~~accompanied by~~ a penalty registration fee
8 of \$200.

9 (f) Subject to reasonable rules and regulations adopted by
10 the Attorney General, the register, registration statements,
11 annual reports, financial statements, professional fund
12 raisers' contracts, bonds, applications for registration and
13 re-registration, and other documents required to be filed with
14 the Attorney General shall be open to public inspection.

15 Every person subject to this Act shall maintain accurate
16 and detailed books and records at the principal office of the
17 organization to provide the information required herein. All
18 such books and records shall be open to inspection at all
19 reasonable times by the Attorney General or his duly authorized
20 representative.

21 (g) Where any local, county or area division of a
22 charitable organization is supervised and controlled by a
23 superior or parent organization, incorporated, qualified to do
24 business, or doing business within this State, such local,
25 county or area division shall not be required to register under
26 this Section if the superior or parent organization files a

1 registration statement on behalf of the local, county or area
2 division in addition to or as part of its own registration
3 statement. Where a registration statement has been filed by a
4 superior or parent organization as provided in Section 2(g) of
5 this Act, it shall file the annual report required under
6 Section 4 of this Act on behalf of the local, county or area
7 division in addition to or as part of its own report, but the
8 accounting information required under Section 4 of this Act
9 shall be set forth separately and not in consolidated form with
10 respect to every local, county or area division which raises or
11 expends more than \$4,000.

12 (h) The Attorney General may make rules of procedure and
13 regulations necessary for the administration of this Act.
14 Copies of all such rules of procedure and regulations and of
15 all changes therein, duly certified by the Attorney General,
16 shall be filed in the office of the Secretary of State.

17 (i) If a person, organization, or trustee fails to register
18 or if registration of a trust or organization is cancelled as
19 provided in this Act, the person, organization or trustee is
20 subject to injunction, to removal, to account, and to
21 appropriate other relief before the circuit court exercising
22 chancery jurisdiction. In addition to any other relief granted
23 under this Act, the court may impose a civil penalty of not
24 less than \$500 nor more than \$1,000 against the organization or
25 trust estate that, for a second or subsequent time, has failed
26 to register or failed to maintain a registration required under

1 this Act. The collected penalty funds shall be used for
2 charitable trust enforcement and for providing charitable
3 trust information to the public.

4 (Source: P.A. 90-469, eff. 8-17-97; 91-444, eff. 8-6-99.)